

**IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS  
JUDGE, VELLORE, VELLORE DISTRICT.**

**PRESENT: Tmt. G.Santhi,  
I Additional District and Sessions Judge,  
Vellore.**

**Monday, the 23<sup>rd</sup> day of March 2026**

**CrI.M.P.No.702/2026 IN SC.No.138/2017**

K.Murali S/o.Kannan ... Petitioner / Accused No.5

**Vs.**

State represented by CBCID,  
Crime Branch Vellore.

... Respondent/Complainant.

**Petition:** Petition U/s.91 Cr.P.C.

This petition coming before me for final hearing in the presence of Thiru.V.Balu, Learned Counsel for the Petitioner/Accused, Thiru.S.Sivaprakasam, the Additional Public Prosecutor for the Respondent/Complainant and after hearing the arguments of both sides, this Court delivered the following:-

**ORDER**

The petitioner has filed this petition seeking a direction to call for the case diary in Crime No.208/2015 from the Superintendent of Police, Vellore.

**2. The averments made in the Petition in brief are as follows:**

- i. The petitioner submits that the case is now posted for arguments.

However, the petitioner seeks to produce certain documents to establish that he was part of a Special Team constituted by the DSP, Ambur, under the directions of the Superintendent of Police, Vellore, in connection with Crime Nos.204/2015 and 208/2015.

ii. It is submitted that the case diary relating to the above said crimes is required to be called for and perused by this Hon'ble Court, as the same would clearly reveal the nature of duties performed by A5 and A6 during the relevant period.

iii. The petitioner further submits that the allegation against A5 that he was present at Pallikonda Police Station and involved in the alleged custodial death between 15.06.2015 and 18.06.2015 is false.

iv. On the contrary, during the said period, A5 was engaged in Special Team duty for tracing one accused Balaji in Crime No.206/2015 and also in connection with Crime No.208/2015 of Ambur Police Station.

v. It is further submitted that the case diary in Crime No.208/2015 is presently under the custody of the Inspector of Police, CBCID, Vellore, and the same can be produced before this Hon'ble Court only upon direction being issued through the Superintendent of Police concerned.

vi. Therefore, the petitioner has filed this petition seeking a direction to call for the case diary in Crime No.208/2015 from the Superintendent of Police,

Vellore, in order to substantiate his defence. Hence, the petitioner prays to allow this petition.

**3. The averments made in the Counter filed by the Prosecution, in brief, are as follows:**

i. The petitions are not maintainable and have been filed at a highly belated stage after completion of the entire trial, including closure of prosecution evidence, examination under Section 313 Cr.P.C., defence evidence, and filing of written arguments.

ii. It is submitted that the petitioner/A5 had sufficient opportunity during the defence stage to produce documents and examine witnesses but failed to do so. The present petitions seeking reopening of defence and production of case diary files are only an afterthought to fill up lacuna and delay the proceedings, which is impermissible in law as held in *State of Haryana vs. Ram Mehar, Rajaram Prasad Yadav vs. State of Bihar, and Natasha Singh vs. CBI*.

iii. It is further submitted that the documents sought are not part of prosecution records and cannot be compelled to be produced. The petitions lack merit, are not essential for a just decision, and if allowed, would cause prejudice to the prosecution and delay disposal of this custodial death case. Hence, the petition is liable to be dismissed as an abuse of process of Court.

4. Both side heard. Records perused.

**5. Point for Determination:**

Whether the petition filed under Section 91 Cr.P.C. seeking a direction to call for the case diary in Crime No.208/2015 from the Superintendent of Police, Vellore, at the stage of arguments, is maintainable and necessary for a just decision of the case?

**6. The Prosecution case in brief** is that the deceased Shameel Basha, son of Shajahan, was allegedly in a close relationship with one Pavithra, wife of Palani. Due to a family dispute, the said Pavithra went missing from her house on 24.05.2015. Based on the complaint given by her husband Palani, a case in Crime No.140 of 2015 for “Woman Missing” was registered on 26.05.2015 at Pallikonda Police Station by the Sub-Inspector of Police, Ravi. On 27.05.2015, Pavithra’s mother received a phone call from an unknown person stating that Pavithra had come and would be sent back home by train. As no effective steps were taken by the police to trace her, Palani filed a Habeas Corpus Petition before the Hon’ble High Court, Madras.

During the course of enquiry, the mobile numbers from which the call was made were traced to the deceased Shameel Basha. He was produced before the police on 16.06.2015 for enquiry. He stated that while he was working at Erode, Pavithra came to meet him on 26.05.2015, stayed in a rented house for one day, and thereafter he sent her back by train on 27.05.2015 and informed the same to

her mother. However, suspecting his involvement, the police did not accept his explanation and kept him in custody at Pallikonda Police Station on the night of 16.06.2015.

It is the further case of the prosecution that, on 17.06.2015 to 18.06.2015, the Inspector of Police, Martin Premraj, along with other police personnel, took Shameel Basha to the Pallikonda Police Quarters and kept him in illegal custody. During such custody, he was subjected to severe physical torture by using third-degree methods, including beating with a cane and tying his hands behind his back with rope and inflicting pain through a pulley method, in order to extract information regarding the whereabouts of Pavithra.

On 19.06.2015, Shameel Basha was brought back to the police station and was made to execute an “Aajar Muchalika” as if he was released in good health condition. However, due to the injuries sustained, he was unable to walk properly or lift his hands, and hence affixed his left thumb impression. Thereafter, his father-in-law took him to the Government Hospital, Ambur, where he was admitted as an inpatient with visible injuries. Subsequently, he was referred to the Government Medical College Hospital, Vellore, and later to the Rajiv Gandhi Government General Hospital, Chennai, for further treatment for serious injuries including brachial plexus damage.

Despite treatment, Shameel Basha succumbed to his injuries on 26.06.2015 at the Rajiv Gandhi Government General Hospital, Chennai. Following his death, a case in Crime No.158 of 2015 under Section 176 Cr.P.C. was registered on 27.06.2015. A judicial inquiry was ordered by the Chief Judicial Magistrate, Vellore, and postmortem was conducted by a team of doctors. The prosecution alleges that the death of Shameel Basha was the direct result of custodial torture inflicted by the police officials during his illegal detention.

**Point :**

7. This Court has carefully considered the submissions made on both sides and perused the entire records. The present petition has been filed under Section 91 Cr.P.C. seeking a direction to call for the case diary in Crime No.208/2015 from the Superintendent of Police, Vellore, to substantiate the defence of the petitioner.

8. The main objection of the prosecution is that the petition has been filed at a highly belated stage, after completion of the entire trial and at the stage of arguments. It is true that ordinarily, parties are expected to place all their evidence during the trial stage itself and not at the stage of arguments.

9. However, the power of this Court under Section 91 Cr.P.C. is wide and can be exercised at any stage of the proceedings, if the Court is satisfied that the

documents sought are necessary for a just decision of the case. Therefore, mere delay cannot be the sole ground to reject the petition.

10. In the present case, the defence of the petitioner/A5 is that during the relevant period, he was not present at Pallikonda Police Station as alleged by the prosecution, but was engaged in Special Team duty in connection with other crimes. In order to substantiate this defence, he seeks production of the case diary in Crime No.208/2015, which, according to him, would reveal the nature of his duty and his movements during the relevant period.

11. The documents sought are official records and are not in the custody of the petitioner. Therefore, unless this Court issues appropriate direction, the petitioner would not be in a position to produce the same. Denial of such opportunity may cause prejudice to the defence.

12. The contention of the prosecution that the petition is an attempt to fill up lacuna has been considered. While the Court must guard against misuse of process, at the same time, it cannot shut out relevant evidence if it may assist in arriving at the truth. The object of a criminal trial is to discover the truth and ensure justice.

13. Further, calling for limited records, as sought in this petition, would not amount to reopening the entire trial nor cause serious prejudice to the

prosecution. The prosecution will have adequate opportunity to meet the defence, if required.

14. This Court is not, at this stage, expressing any opinion on the evidentiary value, admissibility, or relevance of the documents sought. The same shall be considered at the time of final appreciation of evidence.

15. Considering the nature of the defence put forth and the relevance of the documents sought, this Court is of the view that the case diary in Crime No.208/2015 relevant for the period from 15.06.2015 to 18.06.2015 may be necessary for a just and proper adjudication of the case. Hence, this Court finds that the petition deserves to be allowed.

***As a result, this petition is allowed. The concerned authority is directed to produce the case diary in Crime No.208/2015, relevant to the period from 15.06.2015 to 18.06.2015.***

Dictated to the Steno-Typist directly and typed by her in computer, corrected and pronounced by me in open court, on this the 23<sup>rd</sup> day of March 2026.

I Additional District and Sessions Judge,

Vellore.