

**In Re: Indradatt Mishra**

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**SooperKanoon Citation :** [sooperkanoon.com/429498](http://sooperkanoon.com/429498)

**Court :** Andhra Pradesh

**Decided On :** Aug-06-1973

**Reported in :** 1974CriLJ994

**Judge :** Ramachandra Raju, J.

**Appellant :** In Re: Indradatt Mishra

**Advocate for Pet/Ap. :** Sri. Chobe

**Judgement :**

ORDER

**Ramachandra Raju, J.**

1. This is a revision against an order of the Chief City Magistrate, Hyderabad rejecting an application for granting copy of a Police case diary. It appears that on 7-4-1973 the petitioner filed a complaint to the police under Sections 363 and 366, I.P.C. complaining of kidnapping of his daughter. The case was registered and the Police investigated into the matter. Subsequently the petitioner also filed an application under Section 100 of the Code of Criminal Procedure making several persons as respondents for the issue of a search warrant for making search and production of his daughter.

It appears that at the instance of the petitioner the Chief City Magistrate called for the diary maintained by the Police during the investigation of the complaint given

to them by the petitioner about kidnapping of his daughter and thereafter he filed an application before the Chief City Magistrate for granting him a copy of that case diary which was rejected. Sri Chobe the learned Counsel for the petitioner, has argued that Section 162, Criminal P.C. has no application because the statements of the witnesses recorded in the case diary are not to be used in the same case but in the application filed by the petitioner under Section 100, Criminal P.C. and therefore the learned Chief City Magistrate is in error in rejecting his application for granting copy of the case diary. But there must be some provision of law which enables the petitioner to apply for a certified copy of Police case diary. As provided under Section 172 of the Code of Criminal Procedure a Criminal Court only can send for the Police diary of a case under inquiry or trial in such Court and may use such diary not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agent are entitled to call for such diary nor he or they be entitled to see it merely because it is referred to by the Court. Sri. Chobe has brought to my notice Section 548, Criminal P.C. under which according to him the petitioner can claim copy of the case diary in question. I do not think so. What is provided in Section 548, Criminal P.C. is that if any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record on application he is entitled to be furnished with a copy. Here, the Chief City Magistrate sent for the case diary only but it was not made part of the record in the proceedings under Section 100, Criminal P.C. filed by the petitioner. Mr. Chobe has not been able to bring to my notice any provisions of law under which copies of diaries maintained by the police in investigation of criminal cases can be granted. Therefore, the Criminal Revision fails and accordingly it is dismissed.