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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
J.K. MAHESHWARI; J., ATUL S. CHANDURKAR; J.
SLP (Crl.) No. 1383 of 2026; April 27, 2026
R. GANESH *versus* **THE STATE OF TAMIL NADU**

Scope and Distinction – Admissibility of documents without formal proof vs. Evidence of formal character on affidavit – The High Court dismissed the application under Section 294 Cr.P.C. by erroneously relying on a precedent concerning Section 296 Cr.P.C. – Held: Section 294 Cr.P.C. deals with documentary evidence where the court calls upon parties to admit or deny the genuineness of documents to dispense with formal proof - In contrast, Section 296 Cr.P.C. relates to evidence of a formal character given by affidavit - The ratio of a judgment concerning Section 296 cannot be applied to reject an application under Section 294 - It is the duty of the Court to uphold the spirit of Section 294 by ascertaining the genuineness of documents through admission or denial. *[Relied on State of Punjab Vs. Naib Din (2001) 8 SCC 578; Para 6-9]*

[Arising out of impugned final judgment and order dated 28-11-2025 in CRLRC(MD) No. 1481/2025 passed by the High Court of Judicature at Madras at Madurai]

For Petitioner(s): Mr. S. Nagamutu, Sr. Adv. Mr. Kartik Vashisht, Adv. Mr. Devesh Tripathi, Adv. Mr. Kaustubh Chandra Seth, Adv. Mr. Mohd Faraz Anees, AOR Ms. Mahima Anand, Adv. Mr. Mukeshwar Nath Dubey, Adv. Ms. Epsita Agastya, Adv. Mr. Abhishek Yadav, Adv. Mr. Ajay Kumar, Adv. Mr. Shivendu Sharma, Adv. Mr. Divesh, Adv. Mr. Anand, Adv. Mr. Yash Singh, Adv. Mr. Abhishek Dwivedi, Adv.

For Respondent(s): Mr. Satya Darshi Sanjay, A.S.G. Mr. Mukesh Kumar Maroria, AOR Mr. Khushal Kolwar, Adv. Ms. Shreya Jain, Adv. Ms. Archana Surve Shinde, Adv. Mr. Raman Yadav, Adv.

O R D E R

1) Leave Granted.

2) The appellant has preferred this appeal being aggrieved by order dated 28.11.2025 passed by the High Court of Madras of Madurai Bench dismissing Criminal Revision[1] filed by him against order dated 13.10.2025 passed by III Additional District Judge, Tiruchirappalli, rejecting his petition[2] under Section 294 Cr.P.C.[3] during pendency of the Criminal Appeal.

3) For the purpose of referring to the nature of the finding and the manner in which the finding has been recorded by the High Court, it is necessary to refer to paragraphs 5 and 6 of the order impugned:

"5. Section 294 Cr.PC contemplates that where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the parties are to be directed to say whether they are admitting or denying the genuineness of the documents.

6. Considering the nature and scope of the above provision, I am at loss to understand as to how the petition seeking permission to mark the documents is maintainable under Section 294 of Cr.PC. The learned Senior Counsel appearing for the petitioner now relied on Section 296 of Cr.PC., and cited the decision of Hon'ble Supreme Court in the case of ***State of***

[1] Crl.R.C. (MD) No. 1481 of 2025
[2] Crl.M.P. No. 3481 of 2025 in Crl.A. No. 134 of 2019
[3] Code of Criminal Procedure, 1973

Punjab Vs, Naib Din reported in **(2001) 8 SCC 578**, wherein the Hon'ble Apex Court has held that Section 296 of Cr.PC., contemplates that the evidence of any person whose evidence is of a formal character, the Court can direct him to file an affidavit and the relevant passage is extracted hereunder:

6. We feel that the view adopted by the learned Single judge was too stilted for approval. At any rate, acquittal of the accused even without affording an opportunity to the prosecution to make up the lapse (if it was a lapse) only resulted in miscarriage of justice. Presently we may consider whether it is necessary for the prosecution, as an indispensable course to examine the police official who played only a formal role during investigation. In this context Section 296 of the Code can be read:

(1) The evidence of any personwhose evidence is of a formal character may be given by affidavit and may, subject to all just exceptions, be read in evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinksfit, and shall, on the application of the prosecution or the accused, summon and examine any such person as to the facts contained in his affidavits."

4) In order to duly appreciate the provisions ofSection 294 Cr.P.C., it is necessary to refer to the provision which is reproduced as under:

"294. No formal proof of certain documents.—(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused, as the case may be, or the pleader for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document.

(2) The list of documents shall be insuch form as be prescribed by the State Government.

(3) Where the genuineness of anydocument is not disputed, such document may be read in evidence in inquiry, trial or other proceeding under this Code without proof of the signature of the person to whom it purports to be signed:

Provided that the Court may, in its discretion, require such signature to be proved."

5) After perusal thereof, it cannot be doubted that in case any document has been filed by the prosecution or the accused in any Court, such document is required to be included in a list. The genuineness of the documents included in the list can be ascertained by the Court by calling upon the prosecution or the accused, as the case may be. If such document is not disputed, it can be read in inquiry, trial or other proceedings under Cr.P.C. without proving the signature of the person to whom it purports to be. As per proviso thereto, if necessary, it is on the discretion of the Court to require such signature to be proved, while applying the provision of Section 294 (3) Cr.P.C.

6) In the facts of the present case, it is clear that the documents as sought to be marked as exhibits by the appellant are part of the chargesheet and of documents produced by the prosecution. The appellant, through averments made in the application, contends that these documents were included in the list of documents of prosecution. Learned Additional Solicitor General, appearing for the CBI, disputes this fact, but on *prima facie* examination of the record, it suggests that the documents sought by accused formed part of the list of documents produced by CBI. Nevertheless, we reserve the CBI's liberty to raise this objection at the appropriate stage before court.

7) We have further perused the findings as recorded by the High Court relying upon the judgment in ***State of Punjab Vs Naib Din***[4]. The said judgment deals with the provisions of Section 296 Cr.P.C. which relates to the evidence of formal character on affidavit; it has nothing to do with the case wherein no formal proof of certain documents are required. It is needless to express that Section 294 Cr.P.C. deals with documentary evidence while Section 296 Cr.P.C. deals with the formal character of some evidence which is on affidavit. Therefore, the ratio of the judgment in the case of ***Naib Din*** (supra) is, in fact, not applicable, in particular, while rejecting the application under Section 294 Cr.P.C. it is the duty of the Court to uphold the spirit of the provision, particularly with regard to the documents for which the application has been filed. The order has to be passed after ascertaining the genuineness of such document by admission or denial or by proof, if any required.

8) In view of the foregoing, we are inclined to set aside the order passed by the High Court and remit the matter and direct that the application filed by the appellant under Section 294 Cr.P.C. during the pendency of the appeal shall be reconsidered and decided afresh by the High Court. The respondent is permitted to raise the objections as available to them under the law, and the Court is at liberty to decide the same afresh uninfluenced by the order impugned.

9) As contended by learned Additional Solicitor General that this application has been filed with an intent to delay the decision in the appeal. In this regard, it is suffice to say that the Court may proceed in the matter and decide the appeal on merits as expeditiously as possible after taking decision on such application.

10) With the aforesaid observations, the present appeal stands disposed of. Pending application(s), if any, shall stand disposed of.

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[4] (2001) 8 SCC 578