

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 17076 of 2026 and
Crl.M.P.No.11352 of 2026**

Nayeem, S/o.Irfanudeen,
D.No.6, Ponneri Nagar,
Saratha Nagar, Gulam Khadhar Garden,
Tiruppur - 641 603.

..Petitioner(s)

Vs

The State rep by the Inspector of Police
Anupparpalayam Police Station,
Tiruppur City, Tiruppur District.

..Respondent(s)

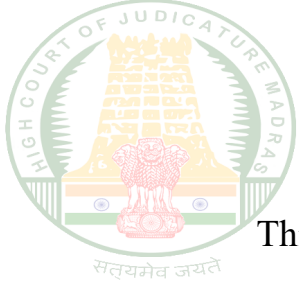
Prayer: Criminal Original petition is filed under Section 528 of BNSS to Set aside the order dated 22.06.2026 made in Crl.M.P.No.23 of 2026 in S.C.No.106 of 2024 on the file of the Learned Special Court for Trial of Cases Under SC/ST(POA) Act, Tiruppur.

For Petitioner(s):

Mr. J.Jayan

For Respondent(s):

Mr.R.Rajasekaran,
Counsel for Government of Tamilnadu
(Criminal Side)



ORDER

This Criminal Original petition is filed with a prayer to set aside the order dated 22.6.2026 made in Crl.M.P.No.23 of 2026 in S.C.No.106 of 2024 on the file of the learned Special Court for trial of cases under SC/ST(POA) Act, Tirupur.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, it can be seen that the charge against the petitioner is one of murder. When the trial is going on and now is in the defence evidence stage, this application is filed under Section 91 of the Code of Criminal Procedure seeking to summon the call records in respect of the mobile numbers of PW 1, 2, 5 and 6. The ground on which the details are sought is that, when all the 4 witnesses were examined, they have deposed about their whereabouts on the previous day of occurrence, and how they came to know about the offense, etc.

3. There is a material contradiction between the deposition of these witnesses. It is also the case of the accused that they seem to have visited the place prior to the occurrence and now they are lying about the same in the evidence. If the call record details and tower locations are there, it would enable the accused to contradict them.



4. I have considered the said submission made by the learned council for the petitioner and also heard the learned Counsel for Government of Tamil Nadu (Criminal).

5. It can be seen that firstly, on the very same purpose, the petitioner had earlier filed Crl.M.P.No.23 of 2026 and the same was dismissed, as against which, the petitioner has approached this Court by way of Crl.O.P.No.14913 of 2026 which was also dismissed as withdrawn. Therefore, when the petitioner had an opportunity to cross examine the witnesses by using the said document and he had filed the application, ultimately, he withdrew the prayer. The very same prayer cannot be now made once again, that too at the defence stage, when already examination of PW1 to PW4 is completed.

6. Secondly, the trial court has also considered the evidence, the nature of contradiction, etc. alleged by the petitioner and concluded that summoning of the said records would not be necessary. Further, it can be seen that when the petitioner is seeking for call records, the records are sought for the year 2024.

7. For all the above reasons, there will be no useful purpose served in allowing the application, though this Court is conscious of the fact that the more serious the offence, the more liberal the court should be in granting the opportunity, In this case, there is absolutely no scope for grant of opportunity in



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as much as earlier the very same petition is filed and it was withdrawn. And secondly, it is now very belatedly filed at the defence stage. Further, in respect of contradiction, when the petitioner has cross examined, it is for the petitioner to argue his case before the trial court. Therefore, finding no merits, the criminal original petition stands dismissed.

8. At this juncture, the learned counsel for the petitioner submits that because the direction is given for speedy speedy disposal, ample time is not given, even there are 3 defence witnesses to be examined, the trial court has directed, all the witness to be examined on the same day.

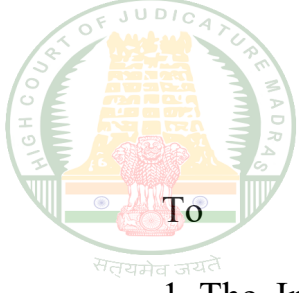
9. I am of the view that no exception can be taken to the view of the trial court to examine all the 3 witnesses on the same day, as it is only 3 witnesses and it will be in the best interest of the justice to examine only on the same day. If the petitioner requires time thereafter to go through all the evidence and prepare written arguments and argue, I am of the view that, if a minimum of 10 days can be given to the petitioner.

10. With the above observation, this criminal original petition stands disposed of. Connected criminal miscellaneous petition is closed.

02-07-2026

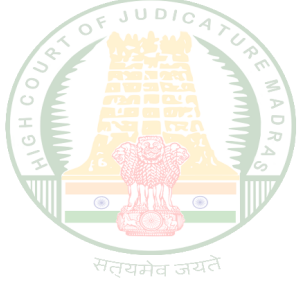
Index: Yes
Speaking order
Neutral Citation: Yes

MST



To

1. The Inspector of Police
Anupparpalayam Police Station,
Tiruppur City, Tiruppur District.
2. The Public Prosecutor, Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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