

Crl.OP(MD).No.12920 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.07.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

Crl.OP(MD).No.12920 of 2026

Gnana Selva Bai

... Petitioner

/vs./

The State of Tamil Nadu
Rep.by its Inspector of Police
EOW-II, Kanyakumari District.
Crime No.37 of 1999

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records and set aside the order passed by the learned Special Judge, Special Court under TNPID Act Cases, Madurai, in Crl.M.P.No.684 of 2025 in C.C.No.50 of 2008, dated 08.05.2026 in respect of dismissing the petition filed by the petitioner under Section 348 of BNSS (311 of Cr.P.C).

For Petitioner : Mr.G.Aravinthan
For M/s.Aran Legal Consultancy

For Respondent : Mr.P.Samuel Gunasingh,
Government Advocate (crl. Side)

ORDER

Heard Mr.G.Aravinthan for M/s.Aran Legal Consultancy for the petitioner and Mr.P.Samuel Gunasingh, learned Government Advocate (Criminal Side) for the Respondent.



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2. The present Criminal Original Petition has been filed by the 3rd accused in C.C.No.50 of 2008 on the file of the Special Court under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, Madurai, challenging the order passed in Cr.M.P.No.684 of 2025, whereby the petition filed by the petitioner under Section 311 of the Cr.P.C. seeking to recall P.W.1 to P.W.108 was dismissed.

3. A perusal of the records reveals that the petitioner is arrayed as the 3rd accused and has been charged with the offences under Section 420 read with Section 120-B of the IPC and Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. The petitioner filed Cr.M.P.No.684 of 2025 seeking to recall P.W.1 to P.W.108. The said application was dismissed by the Trial Court on 08.05.2026. Aggrieved by the said order, the present Criminal Original Petition has been filed.

4. According to the learned counsel appearing for the petitioner, as the petitioner was not in good health, she was unable to give proper instructions to her counsel for the cross-examination of any of the prosecution witnesses. Therefore, the present application came to be filed. The Trial Court, observing



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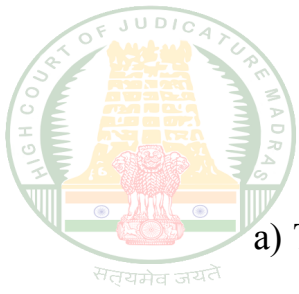
that the case had already been posted for arguments and that the present application had been filed after considerable delay, proceeded to dismiss the application.

5. I have carefully considered the submissions of both sides and I have gone through the materials available on record.

6. As could be seen from the order of the Trial Court, the examination of P.W.1 had commenced on 09.04.2010, and P.W.108 was examined on 25.03.2025. The F.I.R. was registered in the year 1999, and the charge sheet was filed in the year 2008. Citing the inordinate delay and the stage of the proceedings, the Trial Court proceeded to dismiss the application.

7. Learned counsel, on instructions, submits that he would be satisfied if he is permitted to cross-examine P.W.106 alone, who is the Investigating Officer.

8. Considering the limited request made by the petitioner, this Court is inclined to pass the following order:



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a) The order impugned in the petition is partly set aside and it is allowed to the extent of permitting the petitioner to cross examine P.W.106 alone.

b) The petitioner is directed to pay batta within a period of three days from the date of receipt of a copy of this order.

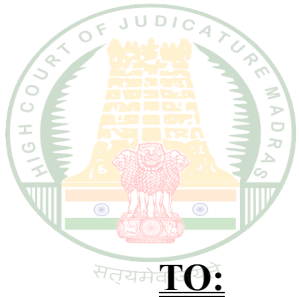
c) The petitioner shall cross examine the witness on **17.07.2026** or on the date when he is appearing.

d) The petitioner shall not be granted any further opportunity for cross examining P.W.106.

7. In view of the above, the Criminal Original Petition is **partly allowed.**

03.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



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TO:

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- 1.TheInspector of Police,
EOW-II, Kanyakumari District,
Crime No.37 of 1999.
- 2.The Special Court under TNPID Act Cases,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

Nsr

Order made in
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Dated:
03.07.2026