



Crl.R.C.No.1100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.R.C.No.1100 of 2024

and

Crl.M.P.No.9282 of 2024

1.V.L.Narayanan
2.Jothi Narayanan
3.Caroline Echarista
4.V.F.Soundararajan

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai – 600 007.
(Cr.No.103 of 2021)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside order dated 10.06.2024 passed in Crl.M.P.No.24907 of 2024 in C.C.No.8297 of 2022 by the learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai.

For Petitioners : Mr.C.S.K.Sathish

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



Crl.R.C.No.1100 of 2024

ORDER

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This Criminal Revision Case is filed against the order passed in Crl.M.P.No.24907 of 2024 in C.C.No.8297 of 2022 dated 10.06.2024 on the file of the learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai.

2. The case of the petitioners is that, they are arrayed as A2, A4 to A6 in C.C.No.8297 of 2022. During the progress in trial, the petitioners filed a petition u/s 243 of Cr.P.C. in Crl.M.P.No.24907 of 2024 in C.C.No.8297 of 2022 before the learned Metropolitan Magistrate (CCB & CBCID) to examine the witness in C.C.No.8297 of 2022, which was dismissed vide impugned order dated 10.06.2024. Challenging the same, the petitioners have filed the present revision before this court.

3. The learned counsel appearing for the petitioners submitted that the valuable rights granted to the accused person for producing defence witness and the same was deprived by the trial court and mere examination of the Manager, Axis Bank, Perungudi Branch as suggested by the prosecution will not be sufficient and examination of defence



Crl.R.C.No.1100 of 2024

witness will not deprive the rights of the prosecution as the prosecution has every right to cross examine the petitioners's witness. However, the trial court *in limine* dismissed the petition filed by the petitioners, which is wholly unsustainable. Accordingly, he prays for appropriate orders.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the trial is in progress and defence witness was closed on 10.06.2024 itself and the case is posted for arguments on 10.07.2024. At this stage, the petitioners have filed a petition seeking to examine a witness, which is not sustainable, thereby the trial court has dismissed the said petition, which does not require any interference. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

6. Admittedly, the petitioners are arrayed as accused for the



Crl.R.C.No.1100 of 2024

offences punishable u/s 406, 420, 120(B) of IPC in C.C.No.8297 of 2022.

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It is seen that the defence witness was closed on 10.06.2024 and prior to that, the petitioners have filed a petition u/s 243 of Cr.P.C., which was dismissed by the trial court. It is not the case respondents that the accused are in the habit of calling witnesses after closure of the case and that it is not the first time. Such being the case, it is pertinent to note that the valuable right available to the petitioners/accused for producing their own evidence, cannot be denied at any stage if it is bona fide. In the absence of any materials, the only presumption that could be drawn is that the plea of the petitioners/accused is bona fide and, therefore, an opportunity ought to have been granted to the petitioners/accused. Hence, the order passed by the trial is perverse, arbitrary or unreasonable and the same is liable to set aside.

7. Accordingly, the order passed in Crl.M.P.No.24907 of 2024 in C.C.No.8297 of 2022 dated 10.06.2024 on the file of the learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai is set aside and the Criminal Revision Case is allowed. Further, the petitioners are directed to produce the defence witness before the trial court during



Crl.R.C.No.1100 of 2024

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the next date of hearing i.e., on 10.07.2024 and on that day, the prosecution has to complete the cross-examination and thereafter, the trial court is directed to dispose of C.C.No.8297 of 2022 within a period of one month after completion of cross examination. The trial court is also directed to issue process for appearance of the defence witness. Consequently, connected Criminal Miscellaneous Petition is closed.

28.06.2024

Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

sp

Note: Issue order copy on 01.07.2024.

To

The Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai.



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Crl.R.C.No.1100 of 2024

M.DHANDAPANI, J.

sp

Crl.R.C.No.1100 of 2024

28.06.2024