



Crl.O.P.No.3568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3568 of 2025
& Crl.M.P.No.2337 of 2025

J. Suresh Babu (M/43)

S/o. Jayakumar,

No.28/6, Akshayam Flats, 2nd Main Road,

Nanganallur,

Chengalpattu - 500 061.

... Petitioner/Accused

Vs.

State rep. by Inspector of Police,

Central Crime Branch,

Bank Fraud Investigation Wing,

Team Alpha -3,

Chennai. Crime No.249/2010

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C r/w 528 of Bharatiya Nagarik Suraksha Sanhita, 2024 pleased to call for the records and set aside the order dated 10.01.2025 passed in Crl.M.P.No.1 of 2024 in C.C.No.4212 of 2011 on the file of the learned 11th Metropolitan Magistrate at Saidapet and allow this Criminal Original Petition.

For Petitioner : Mr.Balaji Sankara Moorthy

For Respondent : Mr.K.M.D.Muhilan,
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed seeking direction to call for the records and set aside the order dated 10.01.2025 passed in Crl.M.P.No.1 of 2024 in C.C.No.4212 of 2011 on the file of the learned 11th Metropolitan Magistrate, Saidapet, Chennai and thereby dismissed the petition filed to recall P.W.10 & P.W.15 for cross-examination under Section 311 of Cr.P.C.

2. The petitioner is the sole accused in C.C.No.4212 of 2011, which has been taken cognizance of for offences punishable under Sections 408, 465, 467, 468, and 471 of the I.P.C. Though P.W. 10 was examined in 2019, the petitioner did not cross-examine P.W.10 at that time. P.W. 10 is none other than the forensic handwriting expert who gave the report. The petitioner was allowed to cross-examine P.W.10 through video conferencing. On 04.11.2024, the petitioner cross-examined P.W.10 from 15:05 p.m. to 12:40 p.m through video conferencing. At the end of the cross-examination, the petitioner challenged the entire video conferencing proceedings, alleging that it was against the rules framed by this Court since the witness did not appear before the nearest magistrate during the cross-examination.



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3. On perusal of records, it reveals that the entire cross examination was conducted based on the Bharatiya Nagarik Suraksha Sanhita, 2024 and also with the concurrence of the petitioner. After completion of entire cross examination by P.W.10, the petitioner raised certain grounds and as such, the trial Court eschewed the entire cross-examination conducted by the petitioner and posted the matter for the defence witness. Furthermore, under Section 293 of Cr.P.C., it is clear that '*Reports of certain government scientific experts, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.*

4. Further, the petitioner has dragged entire proceedings for the past 13 years. Insofar as P.W.15 is concerned, who is none other than the Investigating Officer and he has already cross examined by the petitioner.

5. In view of the above, the trial Court rightly dismissed the petition filed under Section 311 of the Cr.P.C. Therefore, this Court finds no infirmity or illegality in the order passed by the trial Court.



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6. Accordingly, this Criminal Original Petition is dismissed. The trial Court is directed to complete the trial within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

12.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

To,
1. The 11th Metropolitan Magistrate, Saidapet.
2. The Inspector of Police, Central Crime Branch,
Bank Fraud Investigation Wing, Team Alpha -3,
Chennai.
3. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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