



WEB COPY



CrI. RC. No.476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM :

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

CrI. RC. No.476 of 2025
and
CrI. M.P. No.5946 of 2025

S.Durga Prasad

... Petitioner/ Accused(s)

Vs.

The Assistant Director,
Directorate of Enforcement,
Directorate of Revenue, Ministry of Finance,
Government of India,
2nd and 3rd Floor, Murugesu Naicker Complex,
No.84, Greaves Road, Thousand Lights,
Chennai-600 006.

...Respondent/ Complainant(s)

Prayer: Criminal Revision Petition filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, praying to set aside the order in CrI.M.P.No.415 of 2025 in C.C.No.57 of 2018 dated 18.02.2025 on the file of XIII Additional Special Judge for CBI Cases, Chennai.

For Petitioner(s) : Mr.A.John

For Respondent(s) : Mr.P.Sidharthan
Special Public Prosecutor
for ED



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ORDER

WEB COPY(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The present Criminal Revision Petition has been instituted challenging the order of the XIII Additional Special Judge for CBI Cases, Chennai, in Criminal M.P. No.415 of 2025 in C.C. No.57 of 2018.

2. Petitioner is an accused, preferred a petition under Section 254(2) of Code of Criminal Procedure, 1973, (hereinafter referred to as “CRPC”) (Section 277(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)), to consider the plea of the petitioner and permit him to file process to provide the defense witness for further chief examination. The petitioner states that a complaint against the petitioner has been filed in C.C.No.57 of 2018 in ECIR.No.CEZO/16/2016 under Section 3 and 4 of PMLA, 2002 on 22.11.2018. Charges framed against the petitioner on 09.03.2021. The allegation against the petitioner is that he has unhesitatingly camouflaged illegal gratification held in his possession for the loan amount borrowed from his friend Raja which reflected criminal intention to alienate the crime proceeds.

3. One Mr.Raja has been listed as Prosecution Witness and he



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was not examined by the prosecution. Therefore, petition under Section 254(2) of CRPC has been filed seeking permission to examine Mr.Raja as defense witness for further chief examination. It is not in dispute that Mr.Raja deposed before the Special Court in the predicate offence in C.C.No.21 of 2017 on 23.07.2024. Thus, the petitioner states that it is essential for him to examine Mr.Raja as a defense witness.

4. The Learned Special Public Prosecutor for PMLA would oppose by stating that Mr.Raja was already examined as a witness in the predicate offence case and that apart, petition under Section 254(2) of CRPC has been filed belatedly. Thus, the present petition deserves to be rejected.

5. This Court has considered the issues. Petition has been filed to permit the petitioner to file process to provide his defense witness for further chief examination. The contention of the petitioner is that Mr.Raja has been originally listed as prosecution witness. However, the prosecution failed to examine Mr.Raja. Therefore, it necessitated the petitioner to file a petition to examine Mr.Raja as defense witness.



6. This Court is of the considered view that complete opportunity to an accused in a criminal case is a right vested and certain hyper-technical grounds raised by the prosecution need not stand in the way of an accused to file a petition for examination of a witness as defense witness. In the present case, Mr.Raja has been listed as a prosecution witness, but, not examined by the prosecution. That is the reason for filing of a petition to examine Mr.Raja as a defense witness. Such an opportunity need not be denied to an accused in a criminal trial. Present facts are concerned, Mr.Raja has been listed as a witness by prosecution and the prosecution failed to examine. Therefore, the accused is entitled to examine Mr.Raja as defense witness. Moreover, examination of Mr.Raja as defense witness would not cause any prejudice to the prosecution since they are entitled to cross-examine the said witness. That being the factum, the order impugned dated 18.02.2025 in CrI. MP. No.415 of 2025 in C.C.No.57 of 2018 is set aside and the present Criminal Revision Case stands allowed.

7. Since, the Trial has already been concluded and the case is listed for arguments, the petitioner is directed not to seek any unnecessary adjournment for examination of Mr.Raja as defense



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witness. The Trial Court is requested not to grant any adjournment on flimsy grounds. The petitioner is directed to co-operate for examination of defense witness Mr.Raja within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the Trial Court shall dispose of the matter as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.]

[M.S.Q., J.]

23.10.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/ No
mka

To:

1.The Assistant Director,
Directorate of Enforcement,
Directorate of Revenue, Ministry of Finance, Government of India,
2nd and 3rd Floor, Murugesu Naicker Complex,
No.84, Greaves Road, Thousand Lights, Chennai-600 006.

2.The XIII Additional Special Judge
for CBI Cases, Chennai.

3. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.
AND



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MOHAMMED SHAFFIQ, J.

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