



Crl.O.P.No.17677 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17677 of 2025 and
Crl.M.P.No.11395 of 2025

Vennila Fernandas

... Petitioner

Vs.

1. State Rep. by Inspector of Police
Central Crime Branch
EDF-I, Beta-II, Vepery
Chennai
(Crime No.221 of 2017)

2. Karthick

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order passed in Crl.M.P.No.3822 of 2025 in C.C.No.1251 of 2018 on the file of Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai - 8 dated 06.05.2025.

For Petitioner : Mr.V.K.Elango

For First Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

For Second Respondent : Mr.R.Subburaj



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ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner to set aside the order passed in Crl.M.P.No.3822 of 2025 in C.C.No.1251 of 2018 on the file of Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, dated 06.05.2025.

2. The case of the petitioner is that the petitioner is facing trial in C.C.No.1251 of 2018 on the file of Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, for the offences under Sections 420, 506(ii) read with 34 of IPC. Since his earlier counsel had not cross examined the prosecution witnesses, the petitioner filed a petition before the trial Court in Crl.M.P.No.3822 of 2025 under Section 311 Cr.P.C. to recall the prosecution side witnesses viz., P.W.1 to P.W.13 for the purpose of cross examination. The learned Magistrate without considering the facts and circumstances of the case, dismissed the petition citing the directions of this Court passed in Crl.O.P.No.21372 of 2024 dated 21.12.2024 filed by the defacto complainant/second respondent for speedy disposal, whereby this Court



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had directed the Magistrate to dispose of the C.C. within a period of three months. Hence, challenging the order of dismissal, the present petition is filed.

3. Heard both sides and perused the materials available on record.

4. A perusal of the records shows that the C.C. is of the year 2018.

The prosecution witnesses have been examined in chief between the year 2020 to 2024. Till such time, the petitioner had not taken any steps to cross examine the witnesses. However, he filed petition after petitions and thereby, dragged the proceedings. Therefore, the defacto complainant filed a petition before this Court seeking speedy disposal in which, this Court directed the Magistrate to dispose of the case within a period of three months. However, in the year 2025, when the case was at the stage of 313 questioning, the petitioner has filed the petition to recall the witnesses for cross examination. Though there is a direction by this Court to dispose of the C.C. within a specific time, due to non co-operation of the petitioner, the Magistrate could not dispose of the case. Therefore, the learned Magistrate dismissed the said petition.

5. However, it is seen that the petitioner has not cross examined any of the prosecution witnesses. According to the petitioner, his earlier



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counsel had not cross examined the prosecution witnesses. Due to non co-operation/misguidance of the Counsel, the litigants should not suffer.

Therefore, in order to give one more opportunity and to meet the ends of justice, the impugned order passed by the Magistrate dated 06.05.2025, is set aside on payment of cost, for the limited purpose of giving one more opportunity to petitioner to cross examine the prosecution witnesses.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,30,000/- (Rs.10,000/- to each witness) before the trial Court on or before 26.06.2025 and on such deposit, the learned Magistrate is directed to summon the witnesses viz., P.W.1 to P.W.13 for three days continuously for the purpose of cross examination and disburse a sum of Rs.10,000/- to each of the witnesses.

7. It is made clear that on the same day of appearance of the witnesses, the defense counsel has to complete the cross examine the witnesses, failing which, the petitioner will lose the opportunity of cross examination.

8. The Magistrate is further directed to strictly inform to the petitioner that if any further time is sought by the petitioner on the



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ground of engaging some other counsel, the petitioner would lose the right of cross examination. The parties should not take advantage of the position and keep on filing change of vakalat and thereby prolong the proceedings.

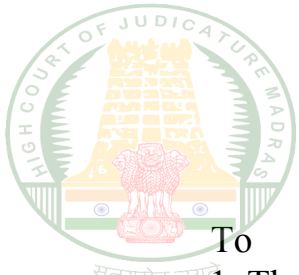
9. Since the case is pending from the year 2018 due to the non co-operation of petitioner, the Magistrate is further directed to dispose of the main case in C.C.No.1251 of 2018 on or before 30.07.2025 and file a compliance report before this Court.

10. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

11. Post the matter on 31.07.2025 “for reporting compliance.”

19.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases
(Relating to Cheating Cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai - 8

2. The Inspector of Police
Central Crime Branch
EDF-I, Beta-II, Vepery
Chennai

3. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN, J

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