



Crl.O.P.No.17496 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17496 of 2025

and

Crl.M.P.No.11100 of 2025

1. Malini

2. Nabi Subramaniam

... Petitioners

Vs.

State by
The Inspector of Police,
CCB, Chennai.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS 2023, to set aside the order dated 09.05.2025 passed by the learned Metropolitan Magistrate, Additional Court for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai in Crl.M.P.No.3514 of 2025 in C.C.No.3766 of 2010 and to direct the Trial Court to recall and permit the petitioners to cross-examine P.W.5 (Mrs.Bhagyalakshmi) and P.W.15 (Mr.Saravanan) in the interest of justice, fair trial and to enable the petitioners to bring forth their defence.



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For Petitioners : Mr.B.Mohan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 09.05.2025 passed by the learned Metropolitan Magistrate, Additional Court for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai in Crl.M.P.No.3514 of 2025 in C.C.No.3766 of 2010 and to direct the Trial Court to recall and permit the petitioners to cross-examine P.W.5 (Mrs.Bhagyalakshmi) and P.W.15 (Mr.Saravanan) in the interest of justice, fair trial and to enable the petitioners to bring forth their defence.

2. 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.



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3. Learned counsel for the petitioners submitted that the petitioners were arrayed as A1 and A2 in C.C.No.3766 of 2010 on the file of the Additional Court for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai. Before the Trial Court, all the witnesses were examined and the matter is listed for arguments. At that time, the petitioners/A1 and A2 have engaged a new counsel, who contends that no proper examination was conducted on the side of A1 and A2 and he is of the opinion that some important questions have been left out during the cross examination of the Investigating Officer. Therefore, the petitioners were advised to file a petition in CrI.M.P.No.3514 of 2025 in C.C.No.3766 of 2010 under Section 311 Cr.P.C./348 BNSS for recalling P.W.5 (Ms.Bhagyalakshmi) and P.W.15 (Mr.Saravanan/the Investigating Officer) for limited purpose of cross examination on the side of the petitioners/A1 and A2. The learned Magistrate dismissed the same, *vide* impugned order dated 09.05.2025. Aggrieved over the same, the petitioners have filed this criminal original petition.

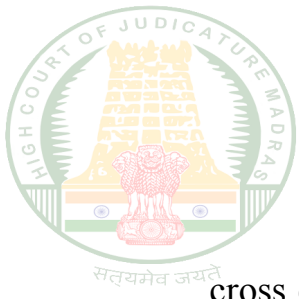


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4. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the case is pending from 2010 and though the learned Magistrate has given sufficient opportunity, the petitioners have not cross examined the witnesses and they have filed the petition only to protract the case. He further submitted that trial has been completed and the matter is pending at the stage of arguments.

5. Considering the above facts and circumstances of the case, in order to give one more opportunity to the petitioners/A1 & A2, the impugned order passed by the learned Magistrate is set aside and the petitioners are permitted for further cross examination of P.W.15-the Investigating Officer alone on condition that the petitioners have to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Chief Justice Relief Fund before the Registry within a period of one week, preferably, on or before 25.06.2025. On such deposit, the petitioners are directed to produce a copy of the same before the learned Magistrate. On receipt of the same, the learned Magistrate is directed to summon the Investigating Officer (P.W.15- Mr.Saravanan) for further



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cross examination and the petitioners are directed to complete the cross examination of the Investigating Officer on the same day ie., on the summoning day itself. The said exercise shall be completed within a period of two weeks preferably on or before 4th July 2025. Thereafter, the learned Magistrate is directed to dispose of the case in accordance with law, preferably on or before 31st July 2025.

6. With the abovesaid direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

18.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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WEB COPY To

- 1.The Metropolitan Magistrate,
Additional Court for Exclusive Trial of CCB & CBCID Cases,
Egmore, Chennai
2. The Inspector of Police,
CCB, Chennai.
2. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

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**Crl.O.P.No.17496 of 2025
and
Crl.M.P.No.11100 of 2025**

18.06.2025