



WEB COPY



Crl.O.P.No.16507 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.16507 of 2025 &
Crl.M.P.No.10324 of 2025

--

Hyat Basha

.. Petitioner

Vs.

The State Rep. by
the Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.
(Crime No.329 of 2022)

.. Respondent

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.1353 of 2022 pending on the file of the learned XV Metropolitan Magistrate Court, George Town, Chennai and to set aside the docket order dated in Memo dated 21.03.2025 and consequentially allow the petitioner/accused to have his wife Mrs.Najima to examined as the defence witness.

For petitioner : Mr.R.Udaya Kumar

For respondent: Dr.C.E.Pratap
Government Advocate (Criminal Sie)



Crl.O.P.No.16507 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed challenging the order dated 21.03.2025 passed by the learned XV Metropolitan Magistrate, George Town, Chennai, in C.C.No.1353 of 2022, by which the petitioner's request to examine his wife as a defense witness was rejected.

2. The petitioner is facing trial in connection with Crime No.329 of 2022. After the closure of prosecution evidence and examination of the petitioner under Section 313 Cr.P.C., the petitioner filed a memo dated 18.03.2025 expressing his intention to examine his wife as a defense witness. However, the said request was rejected and the case was directed to be posted for arguments.

3. The petitioner submits that he had earlier filed petitions to recall PW-1 and to produce certain documents, which were also dismissed. It is further contended that the trial has proceeded in a mechanical manner, and adequate opportunity was not afforded to defend the case. The grievance of the petitioner is that despite specific intent to lead defense evidence, the trial Court hastened to conclude the proceedings.



Crl.O.P.No.16507 of 2025

WEB COPY

4. On perusal of the materials and the sequence of events, it appears that though the petitioner had earlier cross-examined the witnesses, the opportunity to lead defense evidence, especially to examine his wife, ought not to have been denied, more so when the right to a fair trial includes the right to present one's own evidence.

5. In such circumstances, and in the interest of justice, the order dated 21.03.2025 is set aside. The trial Court is directed to afford one final opportunity to the petitioner to examine his wife as a defense witness. The Court shall thereafter proceed to conclude the trial in accordance with law. Both parties and their counsel are directed to extend full cooperation for early disposal of the matter without seeking unnecessary adjournments.

6. With the above observations, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

10.06.2025

r n s

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

Page No.3/4



WEB COPY



Crl.O.P.No.16507 of 2025

P.VELMURUGAN, J

r n s

To

1. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.
(Crime No.329 of 2022)
2. The XV Metropolitan Magistrate Court, George Town, Chennai
3. The Public Prosecutor, Madras High Court, Chennai.

Crl.O.P.No.16507 of 2025 &
Crl.M.P.No.10324 of 2025

10.06.2025

Page No.4/4