



Crl.O.P.No.17239 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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D.Sankar

... Petitioner

Vs.

State rep. by Inspector of Police,
Vigilance and Anti Corruption,
Chengalpet.

... Respondent

Prayer: Petition filed under Section 528 of BNSS, to set aside the order dated 06.05.2025 made in Crl.M.P.No.17 of 2025 in Spl.S.C.No.12 of 2014 pending on the file of the Special Judge/Chief Judicial Magistrate at Chengalpattu.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed, aggrieved by the order of the learned Special Judge, Chief Judicial Magistrate, Chennai, dated 12.05.2025, made in Criminal M.P. No. 17 of 2025 in Special Criminal Case No. 12 of 2014. The said application was made by the petitioner herein to recall P.W.2



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Kathiresan and P.W.3 Srinivasaperumal for further cross-examination.

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2. *Mr.L.Ramu*, the learned counsel appearing on behalf of the petitioner, taking this Court through the impugned order, would submit that certain documents have now come into the possession of the petitioner. The petitioner seeks to cross-examine P.W.2 and P.W.3 with reference to these documents. As a matter of fact, the trial Court dismissed the application only on the ground that the proceedings are tried to be dragged on. The petitioner has no intention to drag on and undertakes to complete the cross-examination on the same day and will also restrict the questions with reference to the said documents. The questions will pertain only to the audit report and the loan transactions that have now come into the hands of the petitioner. Therefore, an opportunity has to be granted to the petitioner.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that this is a trap case. The trap was laid, and the petitioner was caught red-handed in the year 2014. The charge sheet was also filed in the same year, and the case has been pending since 2014, for the past 11 years. P.W.2 and P.W.3 were examined in chief in the year 2018, four years after the charge sheet was filed. Six years after their chief examination,



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they were cross-examined by the petitioner on various dates, namely, 20.05.2024, 03.06.2024, 18.06.2024, and 20.08.2024. The cross-examination was conducted in detail, and therefore the opportunity that is prayed for by way of an application under Section 311 of Code of Criminal Procedure cannot be for the purpose of once again redoing the cross-examination.

4. I have considered the rival submissions made in the present case and perused the material records of the case.

5. The opportunity that can be granted under Section 348 of the BNSS is only for enabling the accused to establish his case, not for re-cross-examining from a different perspective or for action replay in the matter. When the cross-examination itself was done after a period of six years from the chief examination and after a period of ten years from the date of filing of the final report, the version of the petitioner that he came to be in possession of some documents only subsequently thereto cannot be believed by this Court. Therefore, except to conclude that the application was filed only to further drag on the matter, I find no merits in the application filed by the petitioner.

6. Accordingly, the trial Court has rightly rejected the same, and hence



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the Criminal Original Petition stands dismissed. No costs.

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Neutral Citation: Yes/No
nsl

To

1. The Special Judge/Chief Judicial Magistrate
Chegalpattu.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Chengalpet.
3. The Additional Public Prosecutor,
Madras High Court.

D.BHARATHA CHAKRAVARTHY, J.



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