



Crl.O.P.No.19050 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

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

Crl.O.P.No.19050 of 2025 and  
Crl.M.P.No.12961 of 2025

Dharmaraj

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police  
Keelapalur Police Station  
Ariyalur District

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order made in Crl.M.P.No.1 of 2025 in S.C.No.41 of 2023 passed by the learned Principal District and Sessions Judge at Ariyalur.

For Petitioner

: Mr.C.D.Johnson

For Respondent

: Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

### **ORDER**

The Criminal Original Petition has been filed by the petitioner/accused to set aside the order made in Crl.M.P.No.1 of 2025 in S.C.No.41 of 2023 passed by the learned Principal District and Sessions Judge at Ariyalur.



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2. The case of the petitioner is that the petitioner is facing trial in

WEB COPY S.C.No.41 of 2023 on the file of the Principal District and Sessions Judge at Ariyalur for the offence under Section 302 IPC. The petitioner filed a petition before the trial Court, under Section 311 Cr.P.C. in M.P.1 of 2025 to examine an Officer from Regional Forensic Laboratory, but the learned Sessions Judge dismissed the same by order dated 15.04.2025. Challenging the same, the present petition is filed.

3. The learned counsel for the petitioner submitted that, according to the prosecution, the petitioner was arrested on 13.10.2022 and based on his confession, there was a discovery of a bundle containing Shirt, Dhoti and Jetti worn by the him at the time of commission of offence, which is a fake one. Because, the petitioner was arrested by the D.W.4 on 12.10.2022 at 10.00 a.m. and he was in illegal custody till 13.10.2022. At the time of arrest, the shirt worn by him was not bloodstained and the same has been sent to medical examination by spaying human blood. After examination of D.W.4/Inspector of police, the RFL report was received and hence, the petitioner filed the said petition for examination of a witness from the Regional Forensic Laboratory to bring out the truth and the right of the accused has to be protected, whereas the learned



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Sessions Judge failed to consider the same and dismissed the petition.

**WEB COPY** 4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that on the side of the petitioner, 4 witnesses were already examined as D.W1 to D.W.4 in which, D.W.4 was examined on 04.04.2024 itself. Thereafter, the petitioner was kept quiet and later, he filed the petition under Section 311 Cr.P.C. on 14.03.2025, nearly after a period of 11 months. The petitioner had not filed the said petition on earlier occasion either at the time of examination of defence witnesses or immediately after completion of the evidence of D.W.4 or immediately after receiving the alleged report, which would clearly show that the petitioner has not approached the Court with clean hands and only in order to protract the case, he has filed said petition.

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

5. Admittedly, the petitioner is an accused in S.C.No.41 of 2024. It is seen that after closing of prosecution evidence, the trial Court has given ample opportunities to the petitioner and despite the same, on the side of the petitioner, he examined only 4 witnesses and the last witness/D.W.4 was examined on 04.04.2024. Thereafter, the defence had not examined any other witnesses and the petitioner kept quiet for a long



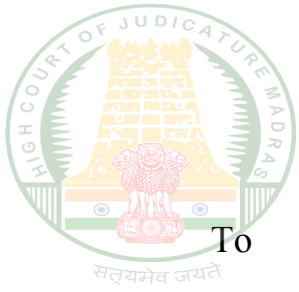
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time. After a period of about 11 months, the petitioner chosen to file the petition under Section 311 Cr.P.C. on 14.03.2025. The petitioner cannot protract the case under the guise of right to defence. Since D.W.4 who caught hold of the petitioner was already examined on the side of the petitioner, his evidence is sufficient to prove as to whether the arrest and recovery are true or not and hence, the trial Court, dismissed the said petition. This Court does not find any reason to interfere with the order passed by the trial Court. Therefore, the petitioner is not entitled to the relief sought for.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

**10.07.2025**

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

WEB COPY

1. The Principal District and Sessions Judge  
Ariyalur.
2. The Inspector of Police  
Keelapalur Police Station  
Ariyalur District
3. The Public Prosecutor  
High Court of Madras, Chennai



WEB COPY



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**P.VELMURUGAN, J**

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