



Crl.O.P.No.22109 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.22109 of 2025

1.Gowri
2.Indumathy
3.Ramesh @ Dhamodaran

... Petitioners

Vs.

State by Inspector of Police,
EOW Wing,
Vellore,
Vellore District.
Crime No.1 of 2017

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order dated 18.07.2025 made in Crl.M.P.No.8073 of 2025 in C.C.No.229 of 2019 on the file of the Chief Judicial Magistrate, Vellore, insofar as rejecting the petitioner's claim to examine Prosecution Witness P.W.2 to P.W.4, P.W.23 to P.W.26, P.W.35 to P.W.38, P.W.46 to P.W.58, P.W.65 to P.W.67, P.W.72 to P.W.74 therein.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.K.M.D.Muhilan
Additional Public Prosecutor



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ORDER

Challenging the order of the learned Chief Judicial Magistrate, Vellore, Vellore District, in C.M.P.No.8073 of 2025 in C.C.No.229 of 2019, dated 18.07.2025, dismissing the application filed under Section 311 Cr.P.C. to cross-examine around 30 witnesses, the present petition has been filed.

2.The accused were prosecuted for the offences under Sections 4(1), 11, 14, 76(1) of Chit Funds Act, 1982 and Section 420 IPC for non-payment of chit amount to various subscribers. The prosecution has cited almost 84 witnesses and examined them. However, the accused have not cross-examined P.Ws.2 to 4, 23 to 26, 35 to 38, 46 to 58, 65 to 67 and 72 to 75. Therefore, the accused have filed the present application under Section 311 Cr.P.C. to cross-examine the witnesses on the ground that the defence counsel was unable to cross-examine those witnesses on the day when they were examined.

3.Taking note of the fact that the prosecution witnesses have been examined right from the year 2021 and that the defence counsel was just a



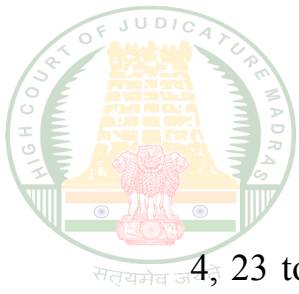
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mute spectator all these years and did not cross-examine the witnesses, the trial Court dismissed the application, however, permitted to cross-examine P.W.75 alone, who is the Investigation Officer. Challenging the same, the present petition has been filed.

4.Heard the learned counsel on either side.

5.At the outset, the very conduct of the counsel who appeared for the accused is highly deprecated. He has not discharged his professional duty properly and he ought not to have been so lethargic in allowing the witnesses remain unfronted, particularly in a criminal case. Though this case is squarely covered by the dictum of the Hon'ble Supreme Court in ***Vinod Kumar v. State of Punjab [2015 (1) MLJ (Crl) 288]***, wherein, the Hon'ble Supreme Court has mandated that the witnesses have to be cross-examined on the same when they are examined-in-chief, this Court, in order to satisfy the fair trial concept, is inclined to grant one more opportunity to the accused to cross-examine the aforesaid witnesses on condition of payment of Rs.2,000/- (Rupees Two Thousand only) to each witness. On such payment being made, the trial Court shall recall P.Ws.2 to



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4, 23 to 26, 35 to 38, 46 to 58, 65 to 67 and 72 to 74 and fix the date for cross-examination within a week. It is made clear that all the witnesses shall be cross-examined within a week's time. The trial Court shall ensure that the witnesses are cross-examined on the same day when recalled. If the cross-examination is not completed within 7 days, no further opportunity will be granted to the accused.

6. With the above observations, this Criminal Original Petition is allowed and the impugned order of the trial Court is set aside.

18.08.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The Chief Judicial Magistrate,
Vellore.

2. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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