



WEB COPY



Crl.RC.No.1358 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1358 of 2025 and
Crl.MP.No.15322 of 2025

J.Mathiyalagan

... Petitioner

Vs.

The Deputy Superintendent of Police,
Crime Branch CID,
Cyber Crime Cell,
Chennai-2

.. Respondent

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the docket order passed by the learned XI Metropolitan Magistrate Court at Saidapet, Chennai in CC.No.2732 of 2024 dated 15.07.2025 and to permit the petitioner/accused to examine defence witness namely – 4 & 5 as per the witness process summon order dated 15.07.2025 in CC.No.2732 of 2024 by allowing the present criminal revision petition.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)



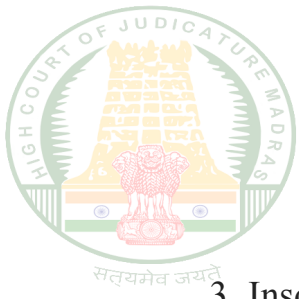
CrI.RC.No.1358 of 2025

ORDER

WEB COPY

This criminal revision case has been preferred against the order passed by the learned XI Metropolitan Magistrate Court at Saidapet, Chennai in CC.No.2732 of 2024 dated 15.07.2025, thereby closing the defence witnesses and posting the matter for arguments.

2. The petitioner is an accused facing charges under Sections 469 & 509 of IPC, Sections 66 & 67 of IT Act and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act. Though the crime is of the year 2007, after completion of investigation, final report was filed and the same has been taken cognizance by the trial court. After closing the prosecution witnesses, the petitioner filed a petition annexing a list of witnesses to be examined as defence witnesses. Thereafter, the petitioner filed a petition in CrI.MP.No.6 of 2025 for issuance of summons. However, it was dismissed by an order dated 30.05.2025 for the reason the list of witnesses are defence witnesses to be produced by the petitioner. He has to take steps to bring the defence witnesses before the trial court. Accordingly the petitioner had brought DW1 and the person was fully examined. He dispensed with the list of defence witnesses 2 and

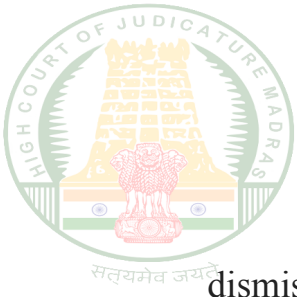


CrI.RC.No.1358 of 2025

WEB COPY

3. Insofar as defence witnesses 4 and 5 are concerned, 4th witness is being a Government official and 5th witness being one of the mahazar witnesses, who was examined by the prosecution, the petitioner filed process application along with batta on 15.07.2025. On that day, the process fee was received by the trial court and summons was issued. However, on 05.08.2025, the trial court closed the defence witness and posted the matter for argument today. The learned counsel for the petitioner further submitted that the Hon'ble Supreme Court of India held that the trial court cannot compel the accused to produce defence witnesses on his own and it is not possible to bring the Government witnesses as defence witnesses without any summons from the Court.

3. The learned Government Advocate(crl.side) appearing for the respondent submitted that already the petitioner filed a petition to issue summons to the defence witnesses in CrI.MP.No.6 of 2025 to examine the very same witnesses. However, it was dismissed by the order dated 30.05.2025. Suppressing the said fact, once again on 15.07.2025, the petitioner filed another petition for process of summons to LW4 and LW5. In fact, the trial court categorically recorded the reasons for



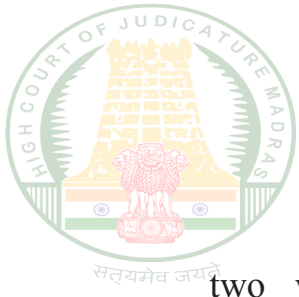
CrI.RC.No.1358 of 2025

WEB COPY

dismissal of the said petition since the petitioner dragged the proceedings for several years. As stated supra, when the trial court entertained the process application on 15.07.2025 and issued fresh summons to the defence witnesses returnable by 05.08.2025, without even verifying whether the witnesses were present or summons were served on the witnesses, the trial court mechanically closed the defence witnesses and posted the mater for arguments.

4. In view of the above discussion, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order passed by the learned XI Metropolitan Magistrate Court at Saidapet, Chennai in CC.No.2732 of 2024 dated 15.07.2025, is set aside. The trial court is directed to issue fresh summons to defence witnesses being LW4 and LW5 and on the date fixed by the trial court, the petitioner shall complete the defence witnesses.

5. With the above directions, this criminal revision case stands allowed. The trial court is directed to complete the trial within a period of



CrI.RC.No.1358 of 2025

two weeks from the date of completing the defence witnesses.

WEB COPY

Consequently, connected miscellaneous petition is closed.

11.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



WEB COPY



CrI.RC.No.1358 of 2025

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The learned XI Metropolitan Magistrate Court at Saidapet, Chennai
- 2.The Deputy Superintendent of Police,
Crime Branch CID,
Cyber Crime Cell,
Chennai-2
- 3.The Public Prosecutor,
High Court of Madras

CrI.RC.No.1358 of 2025

11.08.2025