



Crl.O.P.No.25532 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25532 of 2025
and Crl.M.P.Nos.17302 & 17304 of 2025

1.Ayyappa
2.Velumani
3.Rajavel
4.Subramaniyan
5.Kumaravel
6.Krishnamoorthy
7.Johny Bhai@ John Basha

... Petitioners

Vs.

Ramalingam (Deceased)
The State
Represented by Additional Public Prosecutor
Additional District Judges Court
Kallakurichi

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order passed in Crl.M.P.No.346 of 2025 in S.C.No.4 of 2019 dated 17.06.2025 on the file of the learned Additional Sessions Court at Kallakurichi.

For Petitioners : Mr.R.Jayaprakash
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

Challenging the order of the Trial Court allowing the petition under
Section 311 of CrPC to recall the prosecution witness PW1 for marking of



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materials objects in a charge relating to the offences under Sections 147, 148, 294(b), 447, 506(ii) of IPC and 3 of PPDL Act.

2. The alleged occurrence took place in the year 2017 and the prosecution wants to bring the case properties i.e., broken glasses, magazine bill-voice book and pendrive, through further chief examination of PW1. It is relevant to note that application was allowed by the Trial Court, but the fact remains that before marking such documents, the Trial Court shall ensure that pendrive evidence has been properly preserved and certificate under 65B of the Indian Evidence Act/63 of Bharatiya Sakshya Adhinayam, 2023 has been properly obtained and the document has come from the proper custody. The accused is also having a right to question and make objections with regard to the admissibility of the document and the Trial Court shall take note of the objection and decide the same at the time of disposing the main case.

3. Accordingly, this petition stands disposed of. Consequently, connected miscellaneous petitions stand closed.

17.09.2025

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Neutral Citation : Yes/No

Internet : Yes/No



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To

1.The Additional Sessions Court at Kallakurichi.

2. The Public Prosecutor,
Kallakurichi

N. SATHISH KUMAR, J.

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