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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C. No.2006 of 2025 and

Crl.M.P.No.18956 of 2025

S. Gopinath

...Petitioner

Vs

R.Gowri

..Respondent

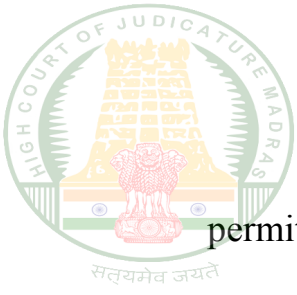
Prayer: This Criminal Revision petition is filed under Section 438 and 442 of the BNSS, 2023 to set aside the order dated 01.09.2025 in Crl.M.P.No.1385 of 2025 in S.T.C.No.5288 of 2021 on the file of learned XX Metropolitan Magistrate at Egmore, Allikulam, Chennai

For Petitioner : Mr.V. Sairam

ORDER

This criminal revision has been filed to set aside the order dated 01.09.2025 in Crl.M.P.No.1385 of 2025 in S.T.C.No.5288 of 2021 on the file of learned XX Metropolitan Magistrate at Egmore, Allikulam, Chennai.

2.The facts of the case is that the petitioner has filed a petition to



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permit the petitioner/complainant to examine the wife of the petitioner as a witness and the same was dismissed by the Court below in CrI.M.P.No.1385 of 2025 in S.T.C.No.5288 of 2021 on 01.09.2025 by the learned XX Metropolitan Magistrate at Egmore, Allikulam, Chennai. Aggrieved over the same the petitioner has filed this petition.

3.The learned counsel for the petitioner submitted that merely because the name of the petitioner's wife doesn't find a place in the list of witness in the complaint, it cannot be a ground to dismiss the petition filed by the petitioner. He further submitted that the petitioner and his wife maintained joint account, his wife is well aware of the transaction and witness the same.

4. On a perusal of the impugned order, the learned Judge has made an observation that the wife of the complainant is not a separate entity from the complaint to give elaborate facts and dismissed the petition, which is not acceptable. Furthermore it is the duty of the prosecution to prove the case beyond reasonable doubt by examining all the witness and the right of any interested witness cannot be curtailed without any valid reason.

5. For the foregoing reasons, this Criminal Revision case is allowed



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and the order passed in CrI.M.P.No.1385 of 2025 in S.T.C.No.5288 of 2021

on the file of learned XX Metropolitan Magistrate at Egmore, Allikulam, Chennai is hereby set aside. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

13.10.2025

Internet : Yes/No

Speaking/Non-speaking Order
smn

To.

The XX Metropolitan Magistrate at Egmore, Allikulam, Chennai

T.V.THAMILSELVI,,J



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smn

**Crl.R.C. No.2006 of 2025 and
Crl.M.P.No.18956 of 2025**

07.10.2025