



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 27801 of 2025 &
CrI.M.P.No.18876 of 2025**

Sekar

Petitioner(s)

Vs

Vadivel

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act to set aside the return docket order dated 30.09.2025 CrI.M.P.No.Sr.No.4422/2025 in STC No.113/2022 on the file of Learned Judicial Magistrate, Fast Track Court, Dharmapuri and direct the trial court to take the petition on file and dispose the same.

For Petitioner(s): Mr.V.Balamurugan

ORDER

This petition has been filed to set aside the docket order dated 30.09.2025 CrI.M.P.No.Sr.No.4422/2025 in STC No.113/2022 on the file of Learned Judicial Magistrate, Fast Track Court, Dharmapuri and direct the trial court to take the petition on file and dispose the same.



2. Heard the learned counsel appearing for the petitioner and the documents placed on record.

3. The petitioner filed a petition to examine himself as defence witness on the ground that on the date fixed for defence witness, he could not appear due to the medical illness. The copy of the discharge summary is also annexed, however, the trial court has returned the application, since the matter has been reserved for Judgment.

4. When the application has been filed by the petitioner to examine himself as defence witness, the trial court ought to have decided the same on merits, merely because the matter has been reserved for judgment, that does not relieve the responsibility of the trial court in deciding the application on merits.

5. In such view of the matter, the docket order passed by the trial court in Crl.M.P.No.Sr.No.4422/2025 in STC No.113/2022 dated 30.09.2025 is set aside and the learned Judicial Magistrate, Fast Track Court, Dharmapuri is directed to number the application and decide the same on merits.



6. Accordingly, the present petition is disposed of. Consequently, connected miscellaneous petition is closed. Registry is directed to return the original petition to the learned counsel for the petitioner.

13-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judicial Magistrate,

Fast Track Court, Dharmapuri



WEB COPY

CRL OP No. 27801 of 2



N.SATHISH KUMAR J.

ssd

**CRL OP No. 27801 of
2025**

13.10.2025

13-10-2025