



Crl.OP.No.30536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

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N.Ramesh Babu

...Petitioner

Vs.

The State of Tamil Nadu rep. by,
The Inspector of Police,
T8 Guduvanchery Police Station,
Guduvanchery, Chengalpattu District.

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records of the learned Sessions Judge, Mahila Court, Kancheepuram District at Chengalpattu present in Crl.M.P.No.32 of 2024 in S.C.No.195 of 2014 and set aside the order dated 15.04.2024.

For Petitioner : Mr.C.Venkatesan

For Respondent : Mr.R.Vinothraja, GA(Crl. Side)



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ORDER

This criminal original petition has been filed seeking quashment of the order passed by the learned Sessions Judge, Mahila Court, Kancheepuram District, Chengalpattu in Crl.M.P.No.32 of 2024 in S.C.No.195 of 2014 dated 15.04.2024.

2. The case of the petitioner is that he is the sole accused facing trial in SC.No.195 of 2014 for the offence under Section 302 of IPC. The petitioner had filed a petition under section 311 of Cr.P.C. seeking to recall witnesses P.W.1, 2 and 11 for the purpose of cross-examination and the trial court, while allowing the said petition, vide impugned order dated 15.04.2024, imposed costs of Rs.750/- each to PW1 and PW2 to be paid by the petitioner and also directed the petitioner to pay a sum of Rs.500/- to the District Mediation Center, GST Road, Chengalpattu on or before 24.04.2024



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and further stated that, failing compliance, the said petition will stand dismissed as against P.W.11. Challenging the same, the petitioner has come up with this petition.

3. Learned Legal Aid Advocate appearing for the petitioner submitted that the trial court, though, allowed the recall petition filed by the petitioner, had imposed costs of Rs.750/- each to PW1 and PW2 and also directed the petitioner to pay a sum of Rs.500/- to the District Mediation Center, GST Road, Chengalpattu. However, due to the petitioner's poor financial circumstances, he was unable to raise funds to comply with the condition imposed by the trial Court and thereby, he was not able to recall the witnesses P.W.1, 2 and 11 till date. He further submitted that the petitioner has not cross-examined PW1, 2 and 11, which is necessary to prove his innocence. Learned counsel, therefore, submitted that if a date is fixed by this Court, the petitioner would cross-examine the witnesses on the said date



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and he would seek that the imposition of costs by the trial court may be set aside, considering the petitioner's penury.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the case is posted for questioning under Section 313 of Cr.P.C. However, if a specific date is fixed, the respondent will be able to produce the witnesses PW1, 2 and 11 for cross-examination by the petitioner/accused.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the case is of the year 2014 and despite several opportunities given to the petitioner to cross-examine the witnesses, he



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failed to avail the same. However, it is the claim of the petitioner that, due to his penurious condition, he was unable to pay costs and thereby, he was not permitted to cross-examine the witnesses.

7. It is evident that in the interest of justice, cross-examination of PWs.1, 2 and 11 is imperative to arrive at a just and reasonable conclusion. Accordingly, the impugned order of the trial court imposing costs of Rs.750/- to each of the witnesses PW1 and 2 and Rs.500/- to the District Mediation Centre, GST Road, Chengalpattu, to be paid by the petitioner, is set aside. The respondent is directed to produce the witnesses PW1, 2 and 11 for cross-examination by the petitioner on the date fixed by the trial court. The learned counsel for the petitioner shall cross-examine the witnesses PW1, 2 and 11 on the said date fixed by the trial court, without fail and without seeking further adjournments.



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8. With the above directions, this criminal original petition stands disposed of.

10.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Sessions Judge, Mahila Court,
Kancheepuram District, Chengalpattu.

2. The Inspector of Police,
T8 Guduvanchery Police Station,

6/8



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Guduvanchery, Chengalpattu District.

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3. The Public Prosecutor,
Madras High Court.

A.D.JAGADISH CHANDIRA, J.

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