



WEB COPY



Crl.O.P.No.29273 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29273 of 2025 and
Crl.M.P.No.19902 of 2025

1. Rangaswamy

2. Dinakaran

3. Mallika

... Petitioners

Vs.

The Inspector of Police
Central Crime Branch, Team I,
Vepery, Chennai – 600 007
(Crime No.414 of 2014)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S. to set aside the order dated 01.09.2025 in Crl.M.P.No.12277 of 2025 in C.C.No.3213 of 2015 passed by the Metropolitan Magistrate for Exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008

For Petitioners : Mr.T.Saravanan

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 01.09.2025 in Crl.M.P.No.12277 of 2025 in C.C.No.3213 of 2015 passed by the Metropolitan Magistrate for Exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008.

2. The case of the petitioners is that they are accused facing trial in C.C.No.3213 of 2015, on the file of the Metropolitan Magistrate for Exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai. The petitioners filed a petition in Crl.M.P.No.12277 of 2025, under Section 311 Cr.P.C. to recall a prosecution witness namely P.W.8, for the purpose of cross-examination on behalf of the petitioners/Accused 1 to 3. The learned trial Judge dismissed the same by order dated 01.09.2025. Challenging the same, the present petition is filed.

3. The learned counsel for the petitioners would submit that P.W.8 is the wife of P.W.1. P.W.1 was examined in chief on 25.09.2024 and the cross-examination was completed only on 02.04.2025. Thereafter, the petition to recall P.W.8 was filed. Thus, there had been a delay and that the delay is not intentional.

4. Per contra, learned Government Advocate (Crl. Side) would submit that the Calendar Case is of the year 2015. P.W.1 who is the husband of



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P.W.8 was examined in chief on 25.09.2024 and thereafter, extensive cross-examination of P.W.1 was made on several occasions and lastly, he was cross-examined in the month of April 2025. Even thereafter, the petitioners did not file any petition seeking to recall P.W.8, wife of P.W.1. Finally, the case was posted for the purpose of arguments on 29.10.2025. While so, the said petition has been filed only to protract the proceedings. Hence, the learned trial Judge, finding that all the other witnesses have been extensively cross-examined by the petitioners and that the petition to recall has been filed belatedly at the final stage, only to delay and protract the proceedings, had dismissed the same. Therefore, there is no merit in this petition.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the Calendar Case is of the year 2015. A perusal of records shows P.W.8, wife of P.W.1, was examined in chief on 27.07.2023 itself. P.W.1, who is from Bangalore has been examined in chief on 25.09.2024 and thereafter, he had been recalled and cross-examined on several occasions and lastly, he was cross examined on 02.04.2025. Thereafter, the petitioners had not chosen to file any petition to recall P.W.8 immediately. Ultimately, when the matter was posted for the purpose of arguments and after closure of defence side witness, the petition to recall has been filed. From the conduct of the petitioners, it is seen that the petition to



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recall P.W.8 has been filed at the fag end of trial, only to delay the further proceedings. Hence, this Court finds no merit in this petition.

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

28.10.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1. The Metropolitan Magistrate for Exclusive trial
of CCB Cases (relating to cheating cases in Chennai)
and CBCID Metro Cases, Egmore, Chennai – 600 008.
2. The Inspector of Police
Central Crime Branch, Team I,
Vepery, Chennai – 600 007
3. The Public Prosecutor
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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