



Crl.OP.No.32780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM:

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

Crl.OP.No.32780 of 2025

and

Crl.M.P.No.22847 of 2025

1. Karthik
2. Vembuli

...Petitioners

Vs.

The State rep by
The Inspector of Police,
Suguvarchathiram Police Station,
Kancheepuram District.
(Crime No.327 of 2011)

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C./528 of BNSS, 2023 to set aside the dismissal order dated 25.07.2025 passed by the Principal Assistant Sessions Court at Kancheepuram in Crl.M.P.No.7 of 2025 in S.C.No.129 of 2016.

For Petitioners : Mr.G.Mageshkumar



WEB COPY



Crl.OP.No.32780 of 2025

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The criminal original petition has been filed seeking to set aside the dismissal order dated 25.07.2025 passed by the Principal Assistant Sessions Court, Kancheepuram in Crl.M.P.No.7 of 2025 in S.C.No.129 of 2016.

2. The petitioners / accused are facing trial in S.C.No.129 of 2016 on the file of learned Principal Assistant Sessions Court, Kancheepuram for the offences under Sections 341 and 392 of IPC r/w.397 of IPC, 1860. The petitioners have filed an application seeking to recall the witnesses P.W.1 to P.W.11. The trial Court, by an order dated 04.07.2025, had allowed the petition on a condition that the petitioners shall deposit a sum of Rs.5,500/- before the trial Court within a period of two weeks from the date of the said order and the matter was directed to be listed on 25.07.2025 for reporting compliance. Since the said order was not complied with, the learned trial



Crl.OP.No.32780 of 2025

Judge, by order dated 25.07.2025, had dismissed the recall petition.

Challenging the said order of dismissal, the present petition has been filed.

3. The learned counsel for the petitioners submitted that the petitioners are hailing from a poor background and due to their penurious state, they are unable to comply with the conditional order. He further submitted that with great difficulty, the petitioners have raised funds now and they are ready to deposit the amount before the Court concerned. He further submitted that if the order of dismissal is not set aside and if the witnesses are not recalled, the petitioners will be put to great prejudice and thereby, he prayed that the order of dismissal may be set aside and the trial Court may be directed to recall the witnesses.

4. The learned Government Advocate (Crl. Side), on the earlier hearing, submitted that the case was posted for arguments on 05.12.2025 before the



Crl.OP.No.32780 of 2025

trial Court. This Court, on an earlier occasion, had directed the respondent to find out as to whether the witnesses are available and whether they will be able to produce them before the Court for cross-examination. The learned Government Advocate (Crl. Side) upon instructions, submitted that the witnesses are located in the vicinity of Chennai and that the respondent will be able to produce the witnesses on the date fixed by the learned trial Judge.

5. On a perusal of the records, it is seen that the witnesses have been examined between the years 2019 and 2023. Though there had been serious laches on the part of the petitioners, this Court is of the opinion that one more opportunity shall be granted to the petitioners for compliance of the condition imposed by the trial Court.

6. In view of the above, the petitioners are directed to deposit a sum of Rs.5,500/- to the credit of S.C.No.129 of 2016 on or before 05.12.2025. On



Crl.OP.No.32780 of 2025

such deposit being made, the learned trial Judge shall fix a date and recall

the witnesses P.W.1 to P.W.11 for cross-examination. If the petitioners fail to

deposit the aforementioned amount within the prescribed period, they will

lose the chance of cross-examination.

6. With the above direction and observation, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

02.12.2025

rap

Note: Issue Order Copy on 04.12.2025

Speaking order : Yes/No

NCC : Yes/No



WEB COPY



Crl.OP.No.32780 of 2025

A.D.JAGADISH CHANDIRA, J.

rap

To:

1.The Inspector of Police,
Suguvarchathiram Police Station,
Kancheepuram District.

2. The Public Prosecutor,
Madras High Court.

3. The Principal Assistant Sessions Court at Kancheepuram.

Crl.OP.No.32780 of 2025

02.12.2025