



Crl.O.P.No.32923 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32923 of 2025
and Crl.M.P.No.22994 of 2025

J.Mathiyalagan

... Petitioner

Vs.

The Deputy Superintendent of Police,
Crime Branch CID,
Cyber Crime Cell,
Chennai – 2.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to set aside the Docket Order dated 18.11.2025 passed by the XI Metropolitan Magistrate Court, Saidapet and to issue direction to mark those documents either through Bench Clerk or any authorized person of the Court in the pending C.C.No.2734 of 2025.

For Petitioner	:	Mr.Ma.P.Thangavel
For Respondent	:	Mr.K.M.D.Muhilan
		Additional Public Prosecutor



Crl.O.P.No.32923 of 2025

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ORDER

The petitioner/accused facing trial in C.C.No.2732 of 2024 filed this petition challenging the docket order dated 18.11.2025.

2.The docket order dated 18.11.2025 is as follows:

Daily Status

The Metropolitan Magistrates Courts, Saidapet, Chennai
In the court of :XI Metropolitan Magistrate / XI Judicial Magistrate
CNR Number :TNCH0C0489892024
Case Number :CC/0002732/2024
Deputy Superintendent of Police versus J Mathiyalagan
Date : 18-11-2025

Presentee

Business

: Accused is present. He is not ready to depose. Memo filed against the relief claimed. Memo is returned. Last Chance defence evidence call on 25.11.2025. failing further order will passed.

Next Purpose

: Evidence

Next Hearing Date

: 25-11-2025

XI Metropolitan Magistrate / XI Judicial Magistrate

3.The contention of the learned counsel for the petitioner is that the respondent police filed a charge sheet against the petitioner for the offence



Crl.O.P.No.32923 of 2025

under Sections 469, 509 IPC, Sections 66 and 67 of Information Technology

Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act

listing LW1 to LW20 and documents. The petitioner was employed under PW1/defacto complainant and was doing hardware services. The allegation is that apart from the employment, the petitioner was also undertaking private work which caused annoyance to his employer and thereafter a case was projected against the petitioner as though the petitioner captured some objectionable videos and circulated it through e-mail. Hence he is facing prosecution. He further submitted that in this case the evidence of PW1 to PW19 completed, all prosecution witnesses cross examined, the petitioner questioned under Section 313 Cr.P.C. and gave his explanation. Thereafter, the petitioner filed a petition under Section 243(2) to examine defence witness on his side. The petitioner gave five names to be examined as defence witness, out of which, he could examined DW1, as regards defence witnesses D2 and D3 the petitioner gave up and process for the defence



Crl.O.P.No.32923 of 2025

witnesses D4 and D5 not entertained. The defence witness D4 is one

Arunkumar, Junior Telecom Officer, BSNL, Gopichettipalayam and D5 is

S.Ravi S/o.Srinivasan employed in Adi Multispeciality Hospital,

Coimbatore. The Trial Court instructed the counsel for the accused to call

the witnesses directly and initially refused to issue summons and closed

Crl.M.P.No.15322 of 2025. Aggrieved against the same, the petitioner

preferred a revision before this Court in Crl.RC.No.1358 of 2025. This

Court by order dated 11.08.2025 directed the Trial Court to issue summons

to the defence witnesses D4 and D5. On 13.08.2025, the order was

submitted to the Trial Court and the Trial Court following the directions of

this Court issued summons to D4 and D5 and posted the case on 22.08.2025.

On 22.08.2025, a counsel representing Arunkumar, Junior Telecom Officer

appeared, presented a memo and the case was posted on 28.08.2025. On

28.08.2025, the summoned D4 Arunkumar not present but the learned

counsel representing him filed an affidavit of Arunkumar, his Identity card,



Crl.O.P.No.32923 of 2025

Aadhar card and the Court summon. The defence witness D5 sent a letter to

the Court directly on 25.08.2025. The Trial Court received both the affidavit

of D4 and the letter of D5 as could be seen from the Court seal and the initial

of the Presiding Officer. On 28.08.2025, the Trial Court on the affidavit

filed by the proposed defence witness D4 closed the evidence of D4. As

regards the defence witness D5, the Trial Court recorded the receipt of letter

and the medical treatment proposed to be undergone by D5, later for his

appearance, the case was adjourned to 08.09.2025 and 17.09.2025. On

17.09.2025, the learned counsel filed a petition under Section 273(1) Cr.P.C.

to examine D5 through video conferencing. Thereafter, the case was

adjourned to 19.09.2025, 23.09.2025, 26.09.2025, 07.10.2025, 08.10.2025,

09.10.2025, 10.10.2025, 22.10.2025 and finally on 24.10.2025, it is recorded

as follows:



Crl.O.P.No.32923 of 2025

Date : 24-10-2025

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Presentee	:	
Business	:	Accused is present. Sufficient time granted. Hence defence evidence closed. For argument call on 29.10.2025.
Next Purpose	:	Arguments
Next Hearing Date	:	29-10-2025

4.On 04.11.2025, the petitioner filed a memo to mark the affidavit of Arunkumar, Junior Telecom Officer and the letter of S.Ravi as Court exhibits C1 and C2, but the same not entertained. Thereafter on 11.11.2025 the petitioner filed a memo and a petition under Section 311 Cr.P.C. The Junior Counsel corrected the petition from 311 Cr.P.C. to 315 Cr.P.C. Though a petition in Crl.M.P.No.11170 of 2025 was filed under Section 315 Cr.P.C., the prayer is limited only to reopen the defence witness and permit the petitioner to mark the affidavit and letter.

5.The learned counsel for the petitioner submitted that the above



Crl.O.P.No.32923 of 2025

narration would clearly show how the petitioner has been persecuted in the above case. The petitioner is unable to defend himself freely as guaranteed in the Constitution of India. The procedures are not followed and it is followed in breach. His only limited prayer is to mark the affidavit of D4 and letter of D5 as Court documents/Exhibits C1 and C2.

6.The learned Additional Public Prosecutor strongly opposed the petition. He would submit that the petitioner captured objectionable photograph of defacto complainant's wife and circulated the same in e-mail to various person causing annoyance to the defacto complainant's wife. She suffered a psychological breakage and it took months for her to regain. The prosecution is only following the procedures as established in law. The FIR filed in the year 2007, investigation completed and charge sheet filed in the year 2008, it is almost 17 years still the case is kept pending due to the dilatory tactics adopted by the petitioner. Hence the Trial Court finding that



Crl.O.P.No.32923 of 2025

the case is pending for decades taken steps to ensure that the case is completed within the stipulated period. He fairly submitted that the affidavit filed by defence witness D4 and letter of D5 has been received by the Court and the Trial Court considered the same and thereafter passed further adjudication in this case. His only endeavour is that the trial to be completed without further delay.

7.The learned counsel for the petitioner submitted that the delay in proceeding with the trial is not on the side of the petitioner alone, the case was transferred to various Courts periodically and Covid-19 pandemic further added up to the delay. He further submitted that the petitioner filed the petition in Crl.M.P.No.11170 of 2025 under Section 311 Cr.P.C. with limited prayer to mark the above two documents and will proceed with the case without any further delay.



Crl.O.P.No.32923 of 2025

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8.Considering the submissions made and on perusal of the materials, it is seen that the the petitioner's limited prayer is only to mark the affidavit of defence witness D4 and the letter of defence witness D5 as Court documents/Exhibits C1 and C2. It is seen that the Trial Court these documents, affixed the seal and the Presiding Officer initialed the same and based on these two documents adjudication passed and the Court has acted on it. In view of the above, the prosecution can have no objection in marking these two documents. Hence, this Court directs the learned XI Metropolitan Magistrate, Saidapet, Chennai to mark the two documents viz., affidavit filed by D4/Arunkumar, Junior Telecom Officer and letter sent by D5/S.Ravi as Court documents C1 and C2 and to proceed with the trial.

9.In the result, the Criminal Original Petition stands disposed of. Consequently, the connected Criminal Miscellaneous Petitions are closed.



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Crl.O.P.No.32923 of 2025

09.12.2025

Index: Yes/No

Speaking Order/Non-Speaking Order,

Neutral Citation: Yes/No

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Note: Issue order copy on 09.12.2025



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Crl.O.P.No.32923 of 2025

To

- 1.The XI Metropolitan Magistrate Court,
Saidapet.
- 2.The Deputy Superintendent of Police,
Crime Branch CID,
Cyber Crime Cell,
Chennai – 2.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.32923 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.32923 of 2025



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Crl.O.P.No.32923 of 2025

09.12.2025