



CRL OP(MD). No.14592 to 14594 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.09.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P(MD). Nos.14592 to 14594 of 2025
and
Crl.M.P.(MD)Nos.11872 to 11874 of 2025

Ramar,

... Petitioner in all Crl.O.Ps

Vs.

1. The State of Tamilnadu,
Rep, through the Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
(Crime No.22 of 2019).

2. Veeramahali,

... Respondents in all Crl.O.Ps

COMMON PRAYER :- These Petitions filed under Section 528 BNSS / 482 Cr.P.C., to set aside the order passed in Crl.R.C.No.24 of 2024 on the file of the Principal District and Sessions Court, Ramanathapuram dated 03.12.2024 against Cr.M.P.Nos.1685 to 1687 of 2024 dated 13.03.2024 in S.T.C.No.145 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Kamuthi.



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(In in all Crl.O.Ps)

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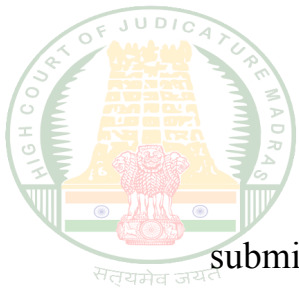
For Petitioner : Mr.M.Mohamed Rafi

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1

COMMON ORDER

These Petitions have been filed challenging the order dated 03.12.2024 passed in Crl.R.C.No.24 of 2024 by the learned Principal District and Sessions Judge, Ramanathapuram, confirming the orders passed in Cr.M.P.Nos.1685 to 1687 of 2024 dated 13.03.2024 in S.T.C.No.145 of 2019 by the learned District Munsif cum Judicial Magistrate, Kamuthi.

2. The second respondent herein, who is one of the victims in the case, had filed three petitions with the following prayers before the learned Magistrate: (a) to issue summons to L.W. 3 to L.W.6, whose examination was dispensed with by the prosecution (b) to assist the prosecution (c) to submit written arguments. The trial Court had allowed all the three petitions of the second respondent, as the second respondent as a victim has the right to assist the prosecution and make written



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submissions. As regards the prayer for summoning the witnesses who were dispensed with by the prosecution, the trial Court found that even assuming that the victim has no right to summon any witness, the Court has power to summon any witness under Section 311 Cr.P.C. The learned Session Judge confirmed the order passed by the learned Magistrate and observed that the second respondent is a victim and as such has a right to assist the prosecution and file written submissions.

3. The learned counsel for the petitioner would submit that the second respondent is not a victim; that she was not cited as a witness by the prosecution; and that she has nothing to do with the alleged occurrence; that her husband was only cited as an eyewitness to the occurrence; and that merely because, he passed away, the second respondent cannot become a victim.

4. Per contra, the learned Public Prosecutor would submit that Section 2 (wa) of Cr.P.C defines the term “victim” and takes within its fold even legal heirs of the victim; that the orders passed by the learned Magistrate and the learned Session Judge do not suffer any infirmity; that



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no prejudice has been caused to the petitioner, who is an accused in the case.

5. Though the examination of witnesses is the prerogative right of the prosecution, the fact that the victim had sought for examination of the witnesses, who were dispensed with the prosecution, cannot be a reason for interfering with the orders impugned. The Court under Section 311 Cr.P.C. has power to summon any witness and the Court, in this case, has exercised that power. Further, the second respondent's right to assist the prosecution and file written submission also cannot be denied. The learned Magistrate and the learned Sessions Judge have rightly allowed the second respondent to exercise her right. Therefore, this Court is the view that there is no reason to interfere with the impugned orders. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner is now aged about 61 years and the trial Court may be directed to conclude the trial expeditiously.



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7. Considering the age of the petitioner, the trial Court may consider the expeditious disposal of the trial.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS

TO

1. The Principal District and Sessions Judge,
Ramanathapuram
2. The District Munsif cum Judicial Magistrate,
Kamuthi.
3. The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

LS

ORDER
IN
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