



Crl.O.P.(MD)No. 9563 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9563 of 2025

and

Crl.M.P(MD)No.7001 of 2025

1.Viswanathan
2.Sankarakumar

... Petitioners

Vs.

The Sub Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.66 / 2014)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the *suo motu* impugned order, dated 15.04.2025 in Crl.M.P.No.1581 of 2025 in Crl.R.P.No.7 of 2025 on the file of the the VI Additional Sessions Judge, Madurai and set aside the same.

For Petitioners : Mr. P. Rajagopalan

For respondent : Mr.A.S. Abdul Kalaam Azad
Government Advocate (Crl. side)



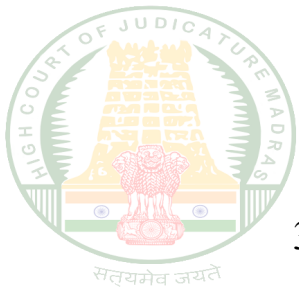
CrI.O.P.(MD)No. 9563 of 2025

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ORDER

The petitioners/accused Nos.2 & 3 in C.C.No.81 of 2015 have filed a discharge petition in CrI.M.P.No.1900 of 2016 before the learned Judicial Magistrate No.I, Madurai and the same was dismissed on 04.10.2024. As against the same, the petitioners have filed a revision petition in CrI.R.P.No.7 of 2025 before the learned VI Additional Sessions Judge, (FAC), Madurai and a stay petition has also been filed by the petitioner in CrI.M.P.No.1581 of 2025.

2.According to the learned counsel appearing for the petitioners, an order of interim stay has been granted in CrI.M.P.No.1581 of 2025 by the Court below vide order dated 09.04.2025 and posted the case on 03.06.2025. While so, without providing an opportunity to these petitioners, the learned VI Additional Sessions Judge, (FAC), Madurai has *suo motu* taken up the petition and passed an order dated 15.04.2025 by cancelling the earlier stay granted in favour of the petitioners on 09.04.2025 and therefore, the petitioners have filed the present petition to set aside the said order.



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3.It appears that the defacto complainant circulated a letter to the learned Sessions Judge, wherein the defacto complainant has mentioned about the earlier orders passed by this Court in Crl.O.P.(MD)No.20567 of 2023, Crl.O.P.(MD)No.17004 of 2024 and Crl.O.P.(MD)No.4912 of 2025. In the said petitions, this Court has already issued directions to complete the trial in C.C.No.81 of 2015 and the same were not placed by the petitioners while filing the revision petition. Therefore, by relying the same, the learned Sessions Judge has vacated the interim stay granted on 09.04.2025.

4.Admittedly, the order of interim stay granted to the petitioner has been vacated on *suo motu* without providing an opportunity to the petitioners and therefore, this Court is inclined to allow this petition with certain directions. Accordingly, the impugned order dated 15.04.2025 in Crl.M.P.No.1581 of 2025 in Crl.R.P.No.7 of 2025 on the file of the the learned VI Additional Sessions Judge, Madurai is hereby set aside. The learned VI Additional Sessions Judge, Madurai is directed to provide an opportunity to the petitioners as well as the defacto complainant and take a decision, within a period of two weeks from the date of receipt of a copy of this order.



CrI.O.P.(MD)No. 9563 of 2025

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Consequently, connected miscellaneous petition is closed.

09.06.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The VI Additional Sessions Judge, Madurai

2. The Sub Inspector of Police,
Central Crime Branch,
Madurai City.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No. 9563 of 2025

B.PUGALENDHI,J

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CrI.O.P.(MD)No.9563 of 2025

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