



CrI.O.P.(MD)No.12536 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.12536 of 2025

and

CrI.M.P(MD) No.9727 of 2025

M.Rathinavel

... Petitioner

Vs.

The State of Tamilnadu
Rep.by its Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.66 of 2014)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in CrI.M.P.No.1580 of 2025 in CrI.R.P.No.6 of 2025 on the file of the learned VI Additional District & Sessions Judge, Madurai, dated 15.04.2025 and set aside the same as it has no prima facie case against the petitioner.

For Petitioner

: Mr.Ananth C.Rajesh

For Respondent

: Mr.A.S.Abul Kalaam Azad
Government Advocate (crl.side)



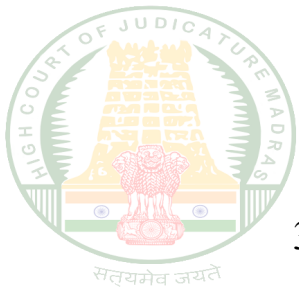
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ORDER

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The petitioner/accused No.6 in C.C.No.81 of 2015 has filed a discharge petition in Crl.M.P.No.1821 of 2016 before the learned Judicial Magistrate No.1, Madurai and the same was dismissed on 04.10.2024. As against the same, the petitioner has filed a revision petition in Crl.R.P.No.6 of 2025 before the learned VI Additional Sessions Judge (FAC), Madurai and a stay petition has also been filed by the petitioner in Crl.M.P.No.1580 of 2025.

2.According to the learned counsel appearing for the petitioner, an order of interim stay has been granted in Crl.M.P.No.1580 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 the petitioner, 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 order granted in favour of the petitioner on 09.04.2025 and therefore, the petitioner has filed the present petition to set aside the said order.



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3.The learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent submit that a similar order passed by the learned VI Additional Sessions Judge (FAC), Madurai, in Crl.M.P.No.1581 of 2025 filed by the Accused Nos.2 and 3 in C.C.No.81 of 2025 was set aside by this Court in Crl.O.P(MD) No. 9563 of 2025, dated 09.06.2025. A copy of the said order is also placed before this Court.

4.This Court, in Crl.O.P(MD) No.9563 of 2025 filed by the Accused Nos. 2 and 3 in CC No.81 of 2015, has set aside the order passed by the learned VI Additional Sessions Judge (FAC), Madurai, which reads as under:-

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

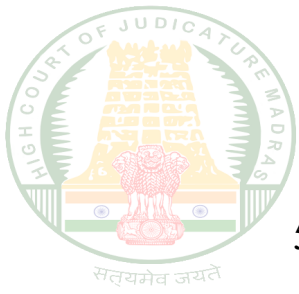


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while filing the revision petition. Therefore, by relying the same, the learned Sessions Judge has vacated the interim stay granted on 09.04.2025.

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.

5.In the result, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.



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5.In view of the earlier order passed by this Court in Crl.O.P(MD)

No.9563 of 2025, the impugned order passed by the learned VI Additional District & Sessions Judge, Madurai, dated 15.04.2025 in Crl.M.P.No.1580 of 2025 in Crl.R.P.No.6 of 2025, is set aside. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

25.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
cp

To

1.VI Additional District & Sessions Judge, Madurai,

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

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



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B.PUGALENDHI,J

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