



Crl.O.P(MD)No.17937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.17937 of 2025

and

Crl.M.P(MD)No.19741 of 2025

Sugumaran

... Petitioner/Victim

Vs.

1.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2.Sullan Karuppaiah

... Respondents

*(R2 is impleaded as per order of this Court dated 31.10.2025 in
Crl.M.P(MD)No.15794/2025)*

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Special Trial Court for Exclusive Trial of Cases Under SC/ST (POA) Act, Sivagangai to make use of the copies of the records of the original case Spl.S.C.No.65 of 2018, including the depositions of the witnesses and the exhibits marked in Spl.S.C.No.65 of 2025 as evidence in the split-up case Spl.S.C.No.31 of 2019.

For Petitioner : Mr.G.Bhagawath Singh
for M/s.M.P.Roniga



WEB COPY



Crl.O.P(MD)No.17937 of 2025

For R1

: Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

Seeking to direct the Special Trial Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai to make use of the copies of the records of the original case Spl.S.C.No.65 of 2018 including the depositions of the witnesses and exhibits marked in Spl.S.C.No.65 of 2025 as evidence in the split-up case Spl.S.C.No.31 of 2019, this criminal original petition is filled.

2. The petitioner is the victim in Spl.S.C.No.65 of 2018. Pending trial of Spl.S.C.No.65 of 2018, A26 got absconded, as a result of which Spl.S.C.No.65 of 2018 was split up as far as the absconding accused is concerned and the remaining accused in Spl.S.C.No.65 of 2018 were convicted and as against the same, criminal appeal is filed before this Court and the same is pending. In the meanwhile, the absconding A26 came to be arrested and now he is detained in jail for the past three years, as a result of which, split-up case against him in Spl.S.C.No.31 of 2019 has been resumed. In this regard, a witness warrant has been



issued to the victim. Hence, the victim is before this Court seeking to make use of the copies of the records in the original case in Spl.S.C.No.65 of 2018 in the Spl.S.C.No.31 of 2019 relying upon Chapter 6 Rule 32 of the Criminal Rules of Practice.

3. However, the learned Government Advocate submitted that such an exercise is not permissible. Chapter 6 Rule 32 is something which pertains to the conduct of trial by the learned Trial Court while the accused was absconding. Now, in the instant case, on 31.08.2022, the accused has been detained and for the past three years, he is detained in the jail and now, the trial is pending. The trial is to be resumed in Spl.S.C.No.31 of 2019 and Chapter 6 Rule 32 is not applicable at the present circumstances of the case and the witnesses necessarily should appear before the Court. Section 273 of Cr.P.C mandates that whatever evidence taken by the trial Court should be in the presence of accused and necessarily, the witness has to depose for the ends of justice.



Crl.O.P(MD)No.17937 of 2025

WEB COPY

4. Heard the learned counsel on either side and perused the materials available on record.

5. For the purpose of proper dispensation of criminal justice and to ensure that the offenders are dealt with in accordance with the procedure mandated by criminal jurisprudence, their attendance is required and the learned counsel for the petitioner is advised to sensitize the petitioner as to the importance of his presence and giving evidence in person for the ends of justice.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

12.12.2025

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

gbg



Crl.O.P(MD)No.17937 of 2025

WEB COPY

To

- 1.The Special Trial Court for Exclusive Trial of Cases
Under SC/ST (POA) Act, Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P(MD)No.17937 of 2025

L.VICTORIA GOWRI, J.

gbg

CrI.O.P(MD)No.17937 of 2025

12.12.2025