



*CRL.MP(MD).No.13180 of 2025
in CRL.OP(MD).No.12709 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.09.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL.MP(MD). No.13180 of 2025

in

CRL.OP(MD). No.12709 of 2025

G.Krishnaswamy Thevar

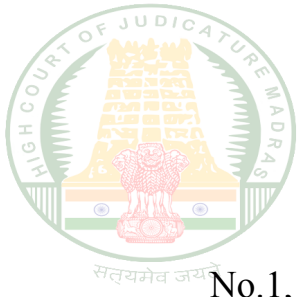
... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.22 of 2025)

... Respondent

PRAYER :- Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to modify the condition imposed on the petitioner herein in Crl.O.P.(MD).No.12709 of 2025 dated 04.09.2025 in connection with Crime No.22 of 2025 on the file of the respondent Police by directing the learned Judicial Magistrate



*CRL.MP(MD).No.13180 of 2025
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WEB COPY

No.1, Madurai, to accept the surrender of the petitioner through video conference and not to insist the physical presence of the petitioner and also to accept his appearance through video conference as per Section 355 of BNSS,2023 and also direct the respondent Police to accept the presence of the petitioner through video conference.

For Petitioners : Mr.J.Jeyakumaran

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This petition has been filed to modify the condition imposed on the petitioner herein in Crl.O.P.(MD).No.12709 of 2025 dated 04.09.2025 in connection with Crime No.22 of 2025 on the file of the respondent Police by directing the learned Judicial Magistrate No.1, Madurai, to accept the surrender of the petitioner through video conference and not to insist the physical presence of the petitioner and also to accept his appearance through video conference as per Section 355 of BNSS,2023 and also direct the respondent Police to accept the presence of the petitioner through video conference.



*CRL.MP(MD).No.13180 of 2025
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2.The learned counsel appearing for the petitioner submitted that the accused has undergone knee replacement surgery and he is 95 years old. He cannot even sit in a wheelchair and appear before the respondent Police. Therefore, he seeks permission to appear through video conference. Further, he relied on the order passed by this Court in Crl.R.C.No.23933 of 2024, dated 04.10.2024 and the relevant paragraph No.5 is extracted hereunder:

5.Framing charges is the responsibility of the Court, and here is a litigant who is willing to submit to it. It is imperative, life is made least inconvenient to litigants, and merely because some one faces criminal accusation and is required to defend the charge, does not necessarily imply he has to surrender all his comforts and convenience to participate in trial. Once the investigation is over and the final report is taken on record by the Court concerned, then it becomes the responsibility of the Court to frame charges. Therefore, wherever possible the Court may have to resort to technology to make life less cumbersome and most convenient



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**CRL.MP(MD).No.13180 of 2025
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for all concerned. The learned counsel for the petitioner brought to the notice of the Court the Explanation to Section 355 of BNSS, 2023, and the purpose it contemplates will be defeated if the Courts were to insist on archaic methods that it has been adopting thus far. After all, framing of charges is part of procedure and procedure surely is a hand maid of justice. Even where trial Court has taken cognizance prior to the advent of BNSS, 2023, inasmuch as explanation to Section 355 BNSS Act, 2023, only shows the need to incorporate and integrate technology into procedure, this Court, considers it appropriate to resort to the same.

3.Mr.S.S.Manoj, learned Government Advocate for the respondent Police has raised his objection.

4. After elaborate arguments made by the learned counsel for the petitioner/A1, this Court is inclined to grant permission to the petitioner to appear through video conference before concerned Magistrate and the respondent Police.



***CRL.MP(MD).No.13180 of 2025
in CRL.OP(MD).No.12709 of 2025***

WEB COPY

5. Accordingly, this Criminal Miscellaneous Petition is allowed.

The learned Judicial Magistrate No.I, Madurai, is directed to permit the petitioner to appear through video conference. The respondent Police is directed to visit the petitioner in his place and obtain signature as they want. In case any documents are available with the petitioner, he shall submit the same to the respondent police. The petitioner is directed to cooperate with the investigation.

25.09.2025

1/3

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To

1. The learned Judicial Magistrate No.1,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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*CRL.MP(MD).No.13180 of 2025
in CRL.OP(MD).No.12709 of 2025*

S.SRIMATHY,J

vsg

ORDER
in
CRL.MP(MD). No.13180 of 2025
in
CRL.OP(MD). No.12709 of 2025

Date :25.09.2025
3/3