



Crl.O.P.(MD)No.17518 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17518 of 2025

and

Crl.M.P.(MD).No.14253 of 2025

Abraham Dass

... Petitioner/Petitioner

Vs.

1.A.Kamaleshwaran

2.The State represented by
The Inspector of Police,
City Crime Branch Police Station,
Madurai District.
(In Crime No.27/2023)

... Respondents/Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned order passed in Cr.M.P.No.6553 of 2025 on the file of the Hon'ble Judicial Magistrate No.1, Madurai dated 22.09.2025 and set aside the same as illegal.

For Petitioner : Mr.M.Jerin Mathew

For R-1 : Mr.A.Abdul Kabur

For R-2 : Mr.R.M.Anbunithi

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed challenging the impugned order passed in Cr.M.P.No.6553 of 2025 dated 22.09.2025, by which, the prayer of the petitioner to re-open the case and to accept the counter affidavit was rejected by the learned Magistrate.

2. The petitioner is an accused in Crime No.27 of 2023. He had filed a petition for anticipatory bail before this Court in Crl.O.P.(MD).No.530 of 2024 and this Court had allowed the said petition on 20.02.2024 on various conditions including the condition not to alienate or encumber any of the properties of the complainant Society. The defacto complainant had filed a petition seeking cancellation of the anticipatory bail in C.M.P.No.3278 of 2025 before the jurisdictional Magistrate stating that the petitioner had entered into a sale agreement with regard to a property and therefore had violated the said condition; and that hence, the anticipatory bail ought to be cancelled. The petitioner, though was given opportunity to file counter, had not filed counter and hence, the learned Magistrate heard the arguments of the defacto complainant and posted the petition for orders. At that stage, the petitioner sought for reopening the case for filing counter.



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3. The learned counsel for the petitioner would submit that notice was issued to the petitioner in August 2025 and enquiry is pending from 28.08.2025; that the petitioner may be permitted to file his counter; and that the learned Magistrate may take the same into consideration as otherwise his valuable right of hearing would be denied.

4. The learned counsel for the defacto complainant would however submit that the impugned order of the learned Magistrate is in accordance with law and that there is no reason to interfere with the same as the petitioner had not filed counter inspite of several opportunities.

5. It is seen from the 'B' Diary extract (case status) that the enquiry is pending from 04.09.2025. Since the allegation against the petitioner is serious, this Court is of the view that the petitioner can be granted an opportunity to place his counter affidavit on record. The learned Magistrate may consider the counter affidavit of the petitioner and pass appropriate orders in accordance with law within a period of two (2) weeks from the date of receipt of a copy of this order.



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6. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

15.10.2025

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

To

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



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SUNDER MOHAN, J.

Lm

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