



Crl.OP(MD)No.22532 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.22532 of 2025
and Crl.M.P(MD).No.19426 of 2025

Sathish Kumar

... Petitioner/A3

Vs.

State rep. ,by
The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone,
Madurai.
NCB.F.No.48/1/04/2019-NCB/MDU)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the impugned order passed in Crl.M.P.No.343 of 2025 in C.C.No.137 of 2025 (split up from C.C.No.408 of 2019) dated 14.05.2025 before the learned I Additional Special Court for trial of NDPS Act Cases, Madurai.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.Arulvadivel @ Sekar
Senior Counsel



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ORDER

Seeking to set aside the impugned order passed in Crl.M.P.No. 343/2025 in CC.No.137/2025 (split up from C.C.No.408 of 2019) dated 14.05.2025 before the learned I Additional Special Court for trial of NDPS Act Cases, Madurai.

2. The learned counsel for the petitioner submitted that the petitioner is the third accused in the aforesaid pending criminal case and he made an application under Section 348 of BNSS seeking to recall P.W.1, P.W.3 and P.W.5 for the purpose of cross-examination. However, the same came to be dismissed by the impugned order. Challenging the same, he has filed this criminal original petition.

3. Further, he submitted that the petitioner has been languishing in jail for the past seven years since 2019 and if he is not permitted to cross-examine the aforesaid witnesses, he would be subjected to irreparable loss. He therefore sought the indulgence of this Court.



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4. Per contra, Mr.Arul Vadivel @ Sekar, learned Senior Counsel, appearing for the respondent/Narcotics Control Bureau categorically contended that there is no infirmity in the impugned order, where the learned trial Judge had elaborated that P.W.1 was examined in chief on 03.09.2022, A4 cross-examined P.W.1 on the same day. On application, A1 and A2 cross-examined P.W.1 on 04.07.2023. P.W.3 was examined in chief on 11.08.2023. A1 and A4 cross-examined P.W.3 on 18.06.2024 and A2 cross-examined P.W.3 on 27.01.2025. The cross-examination on both the dates were done on application filed by the accused. P.W.5 was examined in chief on 25.09.2023. He was cross-examined by A1, A2 and A4 on 20.09.2024. This petitioner, who is the third accused, had filed an application before this Court to fix the time limit to complete the trial. He has also approached the Hon'ble Supreme Court for bail and the same was dismissed, however, the Hon'ble Apex Court had fixed the time limit for disposal of the case by splitting up the case against the absconding accused. However, the petitioner failed to cross-examine these three witnesses, despite giving sufficient chances. Earlier, he filed an application for cross-examine



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these witnesses, which was allowed and he did not prefer to cross-examine. Later, he filed another application for the very same purpose and the same was withdrawn, without cross-examination and now, he had filed this petition, which is the third application and hence, the learned trial Judge had fairly dismissed the same and sought for dismissal of this criminal original petition.

5. He also pointed out that all the officers have since been transferred out of Tamil Nadu and are presently working in various parts of the North-India.

6. The learned counsel for the petitioner pathetically submitted that the only point, which he would raise, that since he has been languishing in jail for more than seven years, he has no means to engage a lawyer. Further, the learned counsel for the petitioner sought to allow this petition on mercy ground.



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

8. From the submissions on either side, this Court is of the considered view that the accused person should always be given an opportunity of fair trial and hence, the petitioner is permitted to cross-examine the aforesaid three witnesses. Accordingly, this Criminal Original Petition is disposed of directing the petitioner to pay costs of Rs.15,000/- for establishing an E-Library to the credit of the MBHAA, in Indian Bank, Madurai Bench of Madras High Court Branch, Account No.496038755 IFSC No.IDIB000H040, MICR Code: 625019020. Since the officers are presently working in various parts of North-India, the learned trial Court may permit them to appear virtually. It is made clear that the petitioner shall not adopt any dilatory tactics and shall cross-examine all the witnesses on the same day of their appearance. If at all the petitioner seeks time, the trial Court shall be at liberty to close the evidence forthwith. The trial Court is directed to fix the specific date for all the three witnesses to appear virtually, on which date, the



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petitioner shall promptly cross-examine them without seeking any adjournment. Accordingly, the impugned order in Crl.M.P.No.343 of 2025 in C.C.No.137 of 2025 (split up from C.C.No.408 of 2019) dated 14.05.2025 on the file of the learned I Additional Special Court for trial of NDPS Act Cases, Madurai, is set aside and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

12.12.2025

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

To

- 1.The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone,
Madurai.
- 2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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