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Crl.O.P.No.3459 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3459 of 2026

and

Crl.M.P.No.2409 of 2026

1. Narpavi Emu Farms,
No.18-10/3, Poonsolai Street,
Karumalaikkoodal,
Mettur Taluk, Salem District.

2. Jayalakshmi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Economic Offences Wing – II,
Salem.

(Crime No.03 of 2013)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records and to set aside the order dated 07.04.2025 passed in Cr.M.P.No.92 of 2025 and Cr.M.P.No.93 of 2025 in C.C.No.5 of 2018, pending before the file of the Special Court under TNPID Act, Coimbatore and recall Prosecution Witnesses 1, 2, 3, 13, 14, 66, 70, 71, 73 & 91.

For Petitioners : Mr.R.Rajaram

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



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ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the learned Special Judge, Special Court under TNPID Act, Coimbatore, in Cr.M.P.Nos.92 & 93 of 2025 in C.C.No.5 of 2018 on 07.04.2025.

2. The brief facts of the case are as follows:-

2.1. The petitioners are the accused facing trial in C.C.No.5 of 2018, on the file of the Special Court under TNPID Act, Coimbatore, for the offences under Sections 120(b), 420 and 406 of IPC and Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act (TNPID Act), in Crime No.3 of 2013, on the file of the respondent police.

2.2. In the said case, the petitioners/accused filed petitions in Cr.M.P.Nos.92 & 93 of 2025 seeking to reopen and recall Prosecution Witnesses 1, 2, 3, 13, 14, 66, 70, 71, 73 & 91 for the purpose of cross-examination. The learned Special Judge, vide order dated 07.04.2025, dismissed the said petitions, stating that the petitioners had not made out a case for recalling those witnesses. Challenging the same, present petition has been filed.



3. Learned counsel appearing for the petitioners submitted that the petitioners have settled the matter with several prosecution witnesses and the amounts due to them have also been repaid. Therefore, according to him, such settlement can be established only by examining the said witnesses and hence, the petitions were filed to reopen and recall them. He further reiterated that the petitioners had filed the said petitions solely for the purpose of placing the fact of settlement on record. However, the learned trial Judge, without considering the said aspect, dismissed the petitions. Hence, he prayed for setting aside the impugned order dated 07.04.2025.

4. *Per contra*, the learned Government Advocate (Criminal Side) submitted as follows:-

4.1. The case was registered in the year 2013 and involved 105 depositors/victims. The total amount alleged to have been cheated exceeds two crores of rupees.

4.2. As on date, 88 witnesses have already been examined and the case now stands posted today for defence evidence.

4.3. Earlier, the petitioners filed Crl.M.P.No.2449 of 2024 seeking recall of PW1 to PW3 on the ground of settlement and the same was dismissed on 30.12.2024.



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4.4. Aggrieved by the same, the petitioners preferred

Crl.O.P.No.3646 of 2025 before this Court, which also came to be dismissed on 12.02.2025.

4.5. Despite the dismissal of the earlier petitions, the present petitions have again been filed seeking to reopen and recall the Prosecution Witnesses 1, 2, 3, 13, 14, 66, 70, 71, 73 & 91, that too at the stage of defence evidence.

4.6. The repeated filing of such petitions clearly indicates an attempt on the part of the petitioners to drag on the proceedings. Hence, he objected for allowing the present petition.

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

6. In the light of the submissions made by the learned Government Advocate (Criminal Side), especially the submission made at paragraph 4.3, *supra*, qua dismissal of the petition for recalling PW1 to PW3 and considering the stage of the trial and also in view of the fact that the case pertains to the year 2013, this Court is of the view that repeated filing of petitions seeking recall of witnesses at the stage of defence evidence is totally unwarranted and amounts to an attempt to protract the

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proceedings. Therefore, this Court finds no illegality or infirmity in the order passed by the trial Court.

7. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected miscellaneous petition is closed.

12.02.2026

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Neutral Citation: Yes/No

To

1. The Special Judge,
Special Court under TNPID Act,
Coimbatore.
2. The Inspector of Police,
Economic Offences Wing – II,
Salem.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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