



Crl.O.P.No.5573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM:

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

Crl.O.P.No.5573 of 2023
and
Crl.MP.Nos.3487 & 3488 of 2023

1. Umaruddin
2. Javeeth
3. Syed Ejas Ahamed
4. Rizwan ...Petitioners

Vs.

1. State rep. by,
The Inspector of Police (L & O),
Krishnagiri Taluk Police Station,
Krishnagiri, Tamil Nadu – 635 002.
In Crime No.716 of 2020,
2. Basheer Ahamed ...Respondents

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C, to call for the records pertaining to the Charge Sheet in C.C.No.784 of 2022 pending on the file of the Judicial Magistrate Court No.II, Krishnagiri and quash the same against these Petitioners/Accused 1, 3, 4 and 5.

For Petitioners : Mr.M.Abdul Razack

For Respondents : Mr.S.Vinoth Kumar, GA(Crl. Side), for R1
: No Appearance, for R2



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ORDER

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This criminal original petition has been filed seeking to quash the proceedings in C.C.No.784 of 2022, pending on the file of the Judicial Magistrate Court No.II, Krishnagiri.

2. When the matter was taken up for hearing today, the learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that this is a case of case and counter case and the 1st respondent police have filed final reports in both the cases and the final report in the counter case has been filed in C.C.No.155 of 2023 before the very same court before which the final report in the present case has been filed and charges have been framed in the present case in C.C.No.784 of 2022 and the present case in C.C. No.784 of 2022 now stands posted to 12.03.2026.

3. Taking note of the facts and circumstances of the case and also considering the fact that charges have been framed in C.C.No.784 of 2022 and the matter is now posted for trial, this Court is not inclined to interfere with the trial proceedings at this stage.



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4. At this juncture, the learned counsel for the petitioners sought the indulgence of this Court, to dispense with the personal appearance of the petitioners before the trial Court.

5. Acceding to the aforesaid submission made by the learned counsel for the petitioners, the personal appearance of the petitioners before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment, or any other date as may be required by the trial Court. The petitioners shall be duly represented by their counsel before the trial Court.

6. Further, considering the fact that this is a case of case and counter case and the matters are pending for trial before the very same Court, this Court directs the trial court to conduct trial in both the cases as per the procedure laid down in the decision of the Apex Court in ***Nathilal and others Vs. State of U.P. and another [1990 (Supp) Supreme Court Cases 145]***, the relevant portion of which reads as under:

“
2. We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned Judge must try both the cross



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cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment. Thereafter he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned Judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the cross case cannot be looked into. Nor can the judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But both the judgments must be pronounced by the same learned Judge one after the other.”

(emphasis supplied by this Court)

7. With the above directions and observation, this criminal original petition stands disposed of. As far as the stay petition in Crl.MP.No.3487 of 2023 is concerned, the same stands closed. As regards Crl.MP.No.3488 of 2023, which is filed for dispensing with personal appearance, the same is ordered in the above terms.

09.02.2026

skt

NCC : Yes/No

4/6



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To:
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1. The Judicial Magistrate No.II,
Krishnagiri.
2. The Inspector of Police (L & O),
Krishnagiri Taluk Police Station,
Krishnagiri, Tamil Nadu – 635 002.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

skt

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