



WEB COPY

CRL OP No. 5375 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5375 of 2026

1. M/s.Deepavali Fund
No.134, Alwarpet Street,
Alwarpet,
Chennai-600 018.
2. M/s.Provision Material Fund,
No.134, Alwarpet Street,
Alwarpet,
Chennai-600 018.
3. M/s.Silver Fund
No.134, Alwarpet Street,
Alwarpet,
Chennai-600 018.
Financial Establishments / Accused
(A1 to A3 Running at Address)
A1 to A3 Financial Establishments/Represented
by A4
4. Banumathi
5. R.Yuvaraj
6. R.Sheela
7. R.Suganya

Vs

.. Petitioner

The State Rep.by,
Inspector of Police,
Economic Offence wing-II,
Chennai-600 032.

..Respondent



To set aside the order dated 02.02.2026 passed in Crl.MP.No.49 of 2026 in CC.No.01 of 2018 by the Special Court under TNPID Act chennai.

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For Petitioners : M/s.A.Balasingh Ramanujam

For Respondent : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The petitioners/accused, facing trial in C.C.No.1 of 2018, had filed a petition under Section 311 of the Code of Criminal Procedure in Crl.M.P.No.49 of 2026 to re-call PW4, PW5, PW6, PW13, PW14 and other witnesses namely, LW11, LW33, LW35 and LW59 before the learned Special Judge, Special Court under TNPID Act, Chennai. The trial court, by order dated 02.02.2026, dismissed the petition, against which the present petition.

2. The contention of the petitioner is that the defacto complainant is the brother of A4. There was a family dispute and taking advantage of the indigenous chit conducted by the petitioners, a false case has been projected. In fact, PW4, PW5, and PW6 are part of chit transactions, who had collected money from others, and now projected that they deposited the amount in the chit transaction with the petitioners. Due to the act of PW4 and PW5, the chit cycle got struck. PW6 had given a stamp receipt. PW14 and PW15 are Investigating Officers. PW14 had not been completely cross examined. Hence,



great prejudice would be caused to the petitioners. Due to the change in counsel, the new counsel on record before the trial court filed a petition under Section 311 of Cr.P.C. to recall the aforementioned witnesses and LW11, LW33, LW35 and LW59. The learned Trial Judge, after considering the submissions made, dismissed the petition observing that the application is nothing but to abuse the process of law and had been filed only to protract the proceedings endlessly.

3. The learned counsel for the petitioners reiterated the averments made in the petition. He submitted that the previous counsel on record before the trial court was all along busy with in other cases he had appeared and he could not concentrate on the present case and he could not properly cross examined the prosecution witnesses.

4. The learned Additional Public Prosecutor submitted that the case was registered in the year 2015 and on receipt of final report i.e., on 27.02.2018, the offences were taken cognizance in C.C.No.1 of 2018. Thereafter, the evidence of the prosecution witnesses were commenced and closed on 20.03.2023 and 25.11.2025 respectively. Subsequently, the petitioners filed the petition under Section 311 of Cr.P.C. to recall the witnesses. The learned Trial Judge after the considering the fact that the petitioners/accused were given fullest opportunity to cross examine all the witnesses and the petitioners/accused have substantially cross examined the witnesses PW1 to PW14 and in such circumstances, the



petition to recall the prosecution witnesses for further cross examination cannot be allowed in view of the fact that the power conferred under Section 311 of Cr.P.C. should be invoked by the court only to meet the ends of justice.

5. Considering the submissions made by the counsel on either side, it is seen that the petitioners are functioning an indigenous chit in the name of Deepavali Fund, Provision Material Fund, and Silver Fund. The trial court, by a very reasoned order, dismissed the petition finding that the petitioners have been given sufficient opportunity to cross examine the witnesses in detail. Though the petitioner contends that they are liable to pay certain dues, they have not come forward to deposit any amount in admission of such liability. This Court finds no reason to interfere with the order of the trial court.

6. However, at the request of the petitioners' counsel, PW14 alone may be permitted to be recalled and cross examined since further cross-examination of the Investigating Officer with regard to the transaction is required.

7. Learned Additional Public Prosecutor submitted that PW14 is available in service.



8. In view of the same, the above petition is dismissed. But permitted the petitioners to recall and cross examine PW14. However, it is made clear that only one opportunity will be granted to the petitioners.

30-03-2026

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Note: Issue order copy on 02.04.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1.The Inspector of Police,
Economic Offence wing-II,
Chennai-600 032.

2.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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