



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

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

CRL RC No. 762 of 2026

AND

CRL MP NO. 6011 OF 2026

P.Senthil Kumar,
S/o.S.Palanivel,
M.D and CEO of M/s. Palpap Ichinchi Software
International Limited.,
No.22, 2nd Main Road (West),
Shenoy Nagar,
Chennai -30.

..Petitioner(s)

Vs

State rep. by Inspector of Police
SPE/EOW/CBI,
Rajaji Bhavan,
Chennai.
R.C.11/E/2008.

..Respondent(s)

PRAYER: This petition has been filed seeking to call for the records and set to aside the dismissal order of the Additional Chief Metropolitan Magistrate, Egmore, Chennai dt. 17.02.2026 passed in Crl.M.P.No.928 of 2026 in C.C.No. 5127 of 2009.

For Petitioner(s): Ms.G.Ramadhevi

For Respondent(s): Mr.B.Mohan, Spl.P.P(CBI)

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ORDER

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This revision petition has been filed seeking to call for the records and set to aside the dismissal order passed by the Additional Chief Metropolitan Magistrate, Egmore, Chennai dated 17.02.2026 in Crl.M.P.No.928 of 2026 dismissing the petition filed under Section 243(2) of Cr.P.C. praying to summon a witness.

2. The petitioner is A2 facing trial in C.C.No.5127 of 2009 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai for offences under Sections 120B r/w. 419, 420, 467, 468 & 471 of IPC. The petitioner had filed Crl.MP.No.928 of 2026 under Section 243(2) of Cr.P.C praying to summon one D.G.Patwardhan, Chief Vigilance Officer, SBI Vigilance Department Corporate Centre, Mumbai, for the purpose of examining him as a defence witness. The trial Court, finding that the examination of the said person as a witness was not necessary for arriving at a just decision of the case and that there was a direction by the High Court by order dated 31.10.2025 to dispose the case on or before 31.12.2025, had dismissed the application vide order dated 17.02.2026. Challenging the same, the present revision petition has been filed.

3. Learned counsel appearing for the petitioner would submit that Murugesan, Investigating Officer, who was examined as PW 27, in his



examination-in-chief, had admitted that the investigation revealed that there was criminal misconduct on the part of N.Chandran, the then Senior Manager, State Bank of India, Vivekananda House Branch, Chennai. Despite the said Investigating Officer requesting for sanction, the Chief Vigilance Officer, had not granted sanction. In such circumstances, the examination of the Chief Vigilance Officer, who had denied sanction to prosecute the Senior Manager is necessary for arriving at a just decision of the case, and hence, the petitioner had filed an application under Section 243(2) of Cr.P.C., seeing to examine the Chief Vigilance officer as a defence witness. However, the Trial Court, without taking into consideration the necessity for the same, had dismissed the application.

4. *Per contra*, learned Special Public Prosecutor (CBI) appearing for the respondent would submit that the case is of the year 2009. Even in the charge sheet dated 18.12.2009, the fact of not according sanction to prosecute the then Senior Manager was disclosed by document No.LD.47, which was the letter dated 11.11.2009 addressed to the Superintendent of Police, CBI, by the Director General of Vigilance. Further, the Investigating Officer (P.W.27) was examined in chief as early as on 25.07.2024 and subsequent to the closure of evidence on the side of the prosecution, the petitioner was questioned under Section 313 Cr.P.C. on 27.11.2024 and thereafter, the case was posted for examination of defence witness. The petitioner had examined three witnesses



on the side of defence and thereafter, the case was posted for questioning once again on 08.05.2025 and the case was posted for arguments on 05.06.2025. On 05.06.2025, the prosecution had completed the arguments. Thereafter, on 11.06.2025, the petitioner had filed an application in Crl.M.P.No.5474 of 2025 seeking to examine the approvers and it was allowed by the trial Court. Subsequently, since the prosecution was unable to find out the whereabouts of the approvers, the prosecution had filed a memo on 05.05.2025 stating that they could not trace the approvers. The said memo was accepted by the trial Court. Challenging the acceptance of the memo, the petitioner had filed Crl.O.P.No.17007 of 2025 before this Court and this Court, taking note of the fact that one approver had passed away and other one was available, had directed the prosecution to examine the approver on 11.11.2025 and had directed the trial Court to complete the case on or before 31.12.2025. After the examination of the approver on 11.11.2025, the case was once again posted for questioning on 18.11.2025. After questioning the accused on 18.11.2025, the petitioner had filed an application seeking to examine one more defence witness and the defence witness, DW4 was examined on 21.01.2026. Thereafter, on 30.01.2026, the petitioner had filed another petition seeking to examine additional defence witness, viz., the Chief Vigilance Officer, in Crl.MP.No.928 of 2026 and the trial Court, rightly finding that the examination of the said witness is not necessary and the petition had been filed only for the purpose of vexation and protracting the trial, had dismissed the said application. He would



further submit that it is not necessary to examine the Chief Vigilance Officer, who had not accorded sanction to prosecute the then Senior Manager and it will not have any bearing on the trial of the case since the petitioner is facing trial for charges under Sections 420, 467, 468 & 471 of IPC and the Vigilance Department of the Bank had thought it fit that there was no conspiracy by the Senior Manager. Based on these circumstances, he would seek dismissal of this criminal revision petition.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the submissions made by the learned Special Public Prosecutor appearing for the respondent, it is seen that the petitioner was well aware even at the inception of the trial that the Chief Vigilance Officer had not accorded sanction to prosecute the Senior Manager of the bank. As rightly pointed out by the learned Special Public Prosecutor, the Investigating Officer was examined in chief as early as on 25.07.2024 and after questioning the petitioner under Section 313 Cr.P.C., the case was posted for examination of defence witness on 27.11.2024. At that time, the petitioner, who was well aware of the non grant of sanction, had deemed it not necessary to examine the Chief Vigilance Officer as a defence witness. Subsequently, the petitioner had filed Crl.M.P. No.5474 of 2025 seeking to examine the approvers. The approvers were examined on 11.11.2025 and even at that time,



the petitioner did not deem it fit to summon the Chief Vigilance Officer.

Whereas, the petitioner has filed an application to examine one more defence witness and the said witness was examined as D.W.4 on 21.01.2026.

Subsequently, the petitioner has filed the petition in Crl.M.P. No.928 of 2026 seeking to summon the Chief Vigilance Officer for the purpose of examining him as a defence witness. The Trial Court, taking into consideration the conduct of the petitioner and finding that the said petition was filed only for the purpose of vexation, delaying the proceedings and defeating the ends of justice, had dismissed the application.

7. At this juncture, it is apposite to advert to Section 243 Cr.P.C. which reads thus:

“243. Evidence for defence.-- (1) The accused shall then be called upon to enter upon his defence and produce his evidence; and if the accused puts in any written statement, the Magistrate shall file it with the record.

(2) If the accused, after he had entered upon his defence, applies to the Magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice and such ground shall be recorded by him in writing:

Provided that, when the accused has cross-examined or had the opportunity of cross-examining any witness before entering on his defence, the attendance of such witness shall not be compelled under this section, unless the Magistrate is satisfied that it is necessary for the ends of justice.

(3) The Magistrate may, before summoning any witness on an application under sub-section (2), require that the reasonable expenses incurred by the witness in attending for the purposes of the trial be deposited in Court.”
(emphasis supplied)



8. As per Section 243(2) extracted above, the Magistrate is entitled to refuse an application seeking summoning of a person as a witness in the event of the Court finding that such an application is made for the purpose of vexation or delay or for defeating the ends of justice and such ground shall be recorded by him in writing.

9. Hence, this Court does not find any infirmity in the order passed by the learned trial Judge. Further, during the earlier round of litigation, this Court finding that this case is of the year 2009, had directed the trial Court to complete the trial on or before 31.12.2025.

10. In view of the above discussion, this criminal revision case is dismissed as being devoid of merits. Consequently, connected miscellaneous petition is closed.

07-04-2026

Neutral Citation: Yes/No

DN/cad

Issue order copy on 16.04.2026

To

1. The Inspector of Police
SPE/EOW/CBI,
Rajaji Bhavan,
Chennai.

2. The Public Prosecutor
High Court of Madras.



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A.D.JAGADISH CHANDIRA J.

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