



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 28-04-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 10862 of 2026**

**CrI.M.P.No.7677 of 2026**

Balu @ Radhakrishnan

..Petitioner(s)

Vs

The State rep by, The Inspector of Police,  
Panruti,  
Cuddalore,  
Crime.No.346/2020

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, pleased to call for the records in unnumbered CrI.M.P.No. of 2026 in S.C.No.168 of 2023 dated 18.04.2026 on the file of I Additional District and Sessions Court, Cuddalore, set aside the same to secure the ends of justice and thus render justice.

For Petitioner(s):

Mr.R.Sankarasubbu

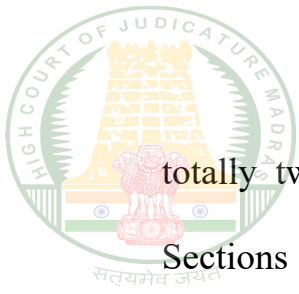
For Respondent(s):

Mr.Leonard Arul Joseph Selvam  
Additional Public Prosecutor

### **ORDER**

This petition has been filed challenging the order passed on 18.04.2026 in unnumbered CrI.M.P.No. of 2026 in S.C.No.168 of 2023.

2.The petitioner's plea to summon the transfer and relieving orders of one Shanmugam, who served as the Station House Officer in Panruti on 14.04.2020, was rejected by the trial Court. The contention of the petitioner is that there are



totally twenty-one accused persons currently facing trial for offences under Sections 120 B, 147, 148, 324, 307, 302, 201 r/w Section 302 and 212 of I.P.C.

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3.The learned counsel for the petitioner submitted that the trial Court is pressurising the counsels and moving at an accelerated pace due to an order passed by this Court in Crl.O.P.No.30471 of 2024 on 05.12.2024 which directed the trial Court to dispose of the case on or before 24.04.2026. For this reason, the petitioner's petition was not considered. He further submitted that this case involves a double murder (D1 and D2) involving approximately twenty-five participants. The occurrence took place on 14.04.2020 at about 11.30 p.m. At that time, Shanmugam was the SHO and had arrested several accused persons. To elicit these facts, the petitioner previously sought to examine Shanmugam as a defence witness, but permission was denied. Consequently, a petition was filed to produce documents, to show P.W.13 / Revathi, who took over the investigation on 15.04.2020, failed to consider the facts of investigation conducted by Shanmugam. He further submitted that the leading counsel in this case recently underwent major heart surgery and was physically unable to appear before the trial Court in person to advance his arguments. The petitioner contends that trial Court erroneously viewed this as delay tactics and failed to consider the extraordinary medical circumstances of the counsel. Hence, the present petition is filed.



4. The learned Additional Public Prosecutor submitted that in this case trial commenced on 25.04.2025 and the prosecution evidence closed on 01.11.2025. He further submitted that the case was posted for defence evidence on 20.11.2025. Two official witnesses DW1 and DW2 were examined on 29.01.2026. Meanwhile, petition in M.P.No.11 of 2025 was filed on the side of defence to inspect the place of occurrence and to note down the physical features. However, the petition was dismissed against which the accused preferred Crl.R.C.No.2428 of 2025 and this Court directed for appointment of an Advocate Commissioner to note down the physical features. As per directions of this Court, an Advocate Commissioner was appointed to inspect the scene of occurrence and he was examined as a Court witness on 08.01.2026. Further, A10 examined himself as D.W.3.

5. On 18.02.2026, the accused sought to summon Shanmugam (Now Deputy Superintendent of Police, Ariyalur) as a defence witness. The said Shanmugam was transferred and it was Revathi / P.W.13, the Investigating Officer, who took up investigation in this case has been examined in detail. The Petition in M.P.No.29 of 2026 was dismissed on merits on 23.02.2026. The defence evidence was subsequently closed and the case was posted for arguments on 24.02.2026. He submitted that the Additional Public Prosecutor had argued on 12.03.2026, and the defence was granted multiple adjournments from 17.03.2026 till 18.04.2026. Despite being permitted to argue via video



conferencing, the senior counsel has not yet made submissions and argued the case. Consequently, the case is currently posted for judgment on 29.04.2026.

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6.Considered the rival submissions and perused the materials available on record.

7.This Court finds that summoning the transfer and relieving orders of Shanmugam would not further the case of prosecution or the accused. The details regarding transfer and relieving were already questioned with other Investigating Officer. In view of the above, this Court is not inclined to interfere with the trial Court's decision to reject the summoning of these documents. However, this Court is of the view that the learned Senior Counsel, Mr. R. Sankarasubbu, has not yet been heard due to medical reasons, this Court deems it just to provide one final opportunity for oral arguments.

8.Accordingly, this Criminal Original Petition is ordered with the following directions:-

- i)Petitioner is granted liberty to file a written submissions;
- ii)The trial Court is directed not to pronounce judgment on 29.04.2026.
- iii)the learned Senior Counsel Mr.R.Sankarasubbu shall be given the opportunity to advance his arguments on 29.04.2026.
- iv)Judgment shall be pronounced only after hearing the said arguments.



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v) If further adjournments are sought or if the Court perceives a return to "dilatory tactics," the Trial Court is directed to proceed strictly in accordance with the law and conclude the case.

vi) Consequently, connected Criminal Miscellaneous Petition stands closed.

**28-04-2026**

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**Note:-** Issue order copy on 28.04.2026



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**M.NIRMAL KUMAR, J.**

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To  
1.I Additional District and Sessions Court,  
Cuddalore.

2.The Inspector of Police,  
Panruti,  
Cuddalore,

3.The Public Prosecutor  
High Court of Madras.

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