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C.R.L. O.P. Nos.11763 & 11779 OF 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2026

PRESENT:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP NOS.11763 AND 11779 OF 2026

AND

CRL MP NO.8396 OF 2026 IN CRL OP NO.11763 OF 2026

AND

CRL MP NO.8403 OF 2026 IN CRL OP NO.11779 OF 2026

CRL OP NO.11763 OF 2026

P.Senthilkumar
S/o. S.Palanivel
No.3-17, G.S.T. Road,
St. Thomas Mount,
Chennai – 600 016.

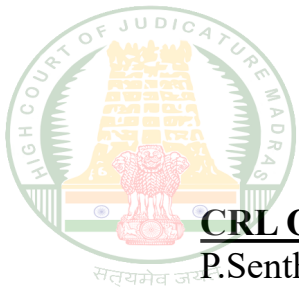
... Petitioner /
2nd Accused

Vs.

The State of Tamil Nadu
Rep. By the Inspector of Police
SPE / EOW / CBI
Rajaji Bhavan,
Chennai.

... Respondent /
Complainant

PRAYER:- Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying to call for the records and set aside the Order dated April 17, 2026 passed in Crl.M.P.No.3645 of 2026 in C.C.No.5127 of 2009 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai.



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CRL OP NO.11779 OF 2026

P.Senthilkumar
S/o. S.Palanivel
No.3-17, G.S.T. Road,
St. Thomas Mount,
Chennai – 600 016.

... Petitioner /
2nd Accused

Vs.

The State of Tamil Nadu
Rep. By the Inspector of Police
SPE / EOW / CBI
Rajaji Bhavan,
Chennai.

... Respondent /
Complainant

PRAYER:- Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying to call for the records and set aside the Order dated April 17, 2026 passed in Crl.M.P.No.3644 of 2026 in C.C.No.5127 of 2009 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.R.C.Paul Kanagaraj
(in both Crl.OPs')

For Respondent : Mr.B.Mohan
(in both Crl.OPs') Special Public Prosecutor (CBI)

COMMON ORDER

The petitioner in both the Criminal Original Petitions, is the second accused in C.C. No.5127 of 2009 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai. The petitioner is the Managing Director of M/s. Palpap Ichinichi Software International Private



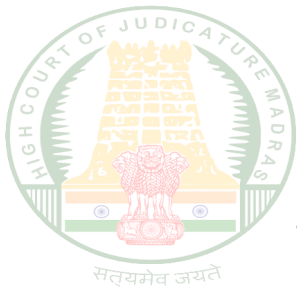
Limited, which is the first accused therein. The respondent police registered a case against the petitioner and others for the alleged offences punishable under Sections 109, 120-B read with Sections 403, 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860. In the said case, charges were framed in the month of April 2017 and trial commenced in the month of December 2019.

2. Upon perusal of the e-Courts records, it is seen that the prosecution evidence was closed in the month of November 2024 and the case was thereafter posted for examination of the accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 (Cr.P.C.). The examination under Section 313(1)(b) Cr.P.C. was completed on November 25, 2025. Thereafter, the accused examined D.W.1 to D.W.4 on the defence side. It is further seen that the accused cross-examined P.W.28, and thereafter, on summons, P.W.28 was further examined on April 22, 2025. Thereafter, again the accused was questioned under Section 313(1)(b) Cr.P.C. (Section 351(1)(b) of BNSS) on May 8, 2025. Thereafter, P.W.29 was examined on November 11, 2025 and the incriminating circumstances arising out of the said evidence were brought to the notice of the accused on November 18, 2025. Thereafter, the examination of the defence witness, namely D.W.4, was completed on January 30, 2026. Subsequently, P.W.27



was recalled at the instance of the accused side and was cross-examined on March 18, 2026. Thereafter, the matter was posted for arguments on March 27, 2026. It is learnt that at present, arguments were heard and the case is reserved for pronouncement of judgment.

3.In the above circumstances, the petitioner filed a petition in CrI.M.P. No.3644 of 2026 under Section 311 of Cr.P.C. (Section 348 of _ BNSS) seeking to reopen the case and recall P.W.28. The petitioner also filed another petition in CrI.M.P. No.3645 of 2026 under Section 91 of Cr.P.C. seeking issuance of subpoena to P.W.28 for production of the letter dated August 31, 2009. The Trial Court, after hearing both sides, dismissed both the petitions on the ground that the Bank Officials had not accorded sanction to proceed against Mr.N.Chandran, the then Bank Manager, and that the alleged letter dated August 31, 2009 was not relevant for deciding the issue involved in the case. The Trial Court also took note of the direction issued by this Court to dispose of the case on or before December 31, 2025, by Order dated October 31, 2025 in CrI.O.P.No.17007 of 2025. Considering the entire facts and circumstances of the case, the Trial Court dismissed both the petitions.



4. Feeling aggrieved, the petitioner / second accused, filed these

Criminal Original Petitions.

5. Heard the learned Counsel for the petitioner and the learned Special Public Prosecutor (CBI) for the respondent.

6. This Court has perused the entire records.

7. The criminal case was registered in the year 2009. Charges were framed in the year 2017 and the trial commenced in the year 2019. The prosecution evidence was closed in the month of November 2024. Thereafter, the petitioner / accused filed petitions seeking reopening and recalling of evidence, and the same were allowed. Now, after closure of the defence side evidence, the case has been posted for pronouncement of judgment on May 22, 2026. P.W.28 was examined in the month of April 2025. Hence, this Court is of the view that the present petition seeking recall of P.W.28 has been filed only with an intention to protract and prolong the proceedings. It is also seen that the petitioner had earlier filed Crl.M.P. No.928 of 2026 in C.C. No.5127 of 2009 seeking to examine a witness namely, the Chief Vigilance Officer and the said petition was dismissed. Challenging the same, the petitioner preferred Crl.R.C. No.762



of 2026 and the said Criminal Revision Case was also dismissed by this

Court on April 7, 2026. The relevant portion of the order dated April 7,

2026 passed by this Court in Crl.R.C. No.762 of 2026 reads as follows:

'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.



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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)



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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. '

8.In view of the above, this Court does not find any irregularity or illegality in the orders passed by the Trial Court. This Court finds no merit in either of the Criminal Original Petitions, and accordingly, both the Criminal Original Petitions are dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

20.05.2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Additional Chief Metropolitan
Magistrate
Egmore, Chennai.
- 2.The Inspector of Police
SPE / EOW / CBI
Rajaji Bhavan,
Chennai.
- 3.The Special Public Prosecutor (CBI)
Madras High Court.
- 4.The Public Prosecutor
Madras High Court.



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R.SAKTHIVEL, J.

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