Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 16921 of 2026

CNR: {HCMA011137812026}

Case QR

Latha
W/o. Rajendran,
No.66, A Block,
Rama Housing North Mada Street,
Maduravoyal,
Chennai - 600 095.

..Petitioner(s)

Vs

The State Rep.by,
The Inspector of Police,
Central Crime Branch-I,
Vepery,
Chennai - 600 007.
Cr.No.232/2014.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the docket order dated 10.03.2026 passed in CC.No.10176 of 2014 on the file of the learned Additional Chief Metropolitan Magistrate, CCB-I, Egmore, Chennai and permit the petitioner to Cross-Examine the prosecution witnesses in CC.No.10176 of 2014.

For Petitioner(s): Mr.Sameer Shah for
Shah And Shah

For Respondent(s): Mr.A.Amarnath,
Additional Public Prosecutor

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Criminal Original Petition has been filed to set aside the docket order dated 10.03.2026 passed in CC.No.10176 of 2014 on the file of the learned Additional Chief Metropolitan Magistrate, CCB-I, Egmore, Chennai.

2.The case of the petitioner is that the petitioner filed a petition under Section 348 of the BNSS, seeking to recall the prosecution witnesses in Crl.M.P.No.11428 of 2025 in C.C.No.10176 of 2014, pending before the learned XXXI Metropolitan Magistrate, CCB-I, Egmore, Chennai. The said petition was allowed, subject to certain conditions, by the learned XXXI Metropolitan Magistrate, CCB-I, Egmore, Chennai vide order dated 17.11.2025. However, the petitioner failed to comply with the conditions imposed therein. Consequently, the opportunity to cross-examine the prosecution witnesses was closed due to the non-cooperation of the accused. Accordingly, the cross-examination of P.W.1 to P.W.17, P.W.20 and P.W.21 was closed by the learned XXXI Metropolitan Magistrate, CCB-I, Egmore, Chennai, vide order dated 10.03.2026. Aggrieved by the same, the petitioner has filed the present petition.

3.The learned counsel appearing for the petitioner submits that the impugned order is illegal, erroneous and contrary to the principles of natural

https://www.mhc.tn.gov.in/judis

WEB COPY

justice. The trial Court failed to recognise the valuable right of the accused to cross-examine the prosecution witnesses. The denial of such an opportunity has caused serious prejudice to the petitioner and violated her right to a fair trial. The trial Court failed to properly consider the scope and applicability of Section 311 Cr.P.C. (Section 348 BNSS). The imposition of consolidated costs amounting to Rs.1,20,000/- is excessive and disproportionate. The petitioner's financial hardship cannot be a ground to permanently deprive her of the right to defend herself. Procedural laws are intended to advance the cause of justice and should not be applied in a manner resulting in a miscarriage of justice. The petitioner has been deprived of an effective opportunity to establish her innocence. The impugned order suffers from material irregularity and warrants interference by this Court in exercise of its jurisdiction under Section 528 BNSS. The impugned order is liable to be set aside in order to prevent a miscarriage of justice.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The learned counsel for the petitioner submitted that the petitioner is now ready and willing to pay the costs imposed by the trial Court.

6.Considering the said submission, the petitioner is directed to pay the costs on or before 12.11.2026, failing which the order dated 10.03.2026 passed

https://www.mhc.tn.gov.in/judis

WEB COPY

by the learned XXXI Metropolitan Magistrate, CCB-I, Egmore, Chennai, in C.C. No.10176 of 2014, shall stands automatically cancelled. The trial Court is directed to proceed with the trial in accordance with law.

7.Accordingly, this Criminal Original Petition stands allowed.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AH

NOTE: ISSUE ORDER COPY ON 05.11.2026

To

1.The XXXI Metropolitan Magistrate,
CCB-I, Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch-I,
Vepery, Chennai-600 007.

3.The Public Prosecutor,
High Court,
Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN, J.

AH

CRL OP No. 16921 of 2026

04-11-2026
2/2

https://www.mhc.tn.gov.in/judis