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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 17188 of 2026

CNR: {HCMA011138062026}

Case QR

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

..Petitioner(s)

Vs

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

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the order dated 17-11-2025, made in Crl MP No.11428 of 2025 in CC No.10176 of 2014 on the file of learned XXXI Metropolitan Magistrate Court, Egmore, Chennai and consequently modify the condition in Para No.IV of the above said Crl MP No.

For Petitioner(s): Mr.Sameer Shal for
Shah and Shah

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

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ORDER

This Criminal Original Petition has been filed to set aside the order dated 17.11.2025, made in Crl MP No.11428 of 2025 in CC No.10176 of 2014 on the file of learned XXXI Metropolitan Magistrate Court, 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 Court, CCB-I, Egmore, Chennai. The said petition was allowed, subject to certain conditions, by the learned XXXI Metropolitan Magistrate Court, CCB-I, Egmore, Chennai vide order dated 17.11.2025. Aggrieved by the same, the petitioner has filed the present petition seeking modification in Paragraph No.IV of the order dated 17.11.2025.

3.The learned counsel appearing for the petitioner submitted that the impugned order is erroneous, contrary to law and violative of the principles of natural justice. The learned Judge failed to consider the relevant facts and the scope and object of Section 311 Cr.P.C. (Section 348 of the BNSS). The petitioner was deprived of an effective opportunity to cross-examine the prosecution witnesses. The imposition of exorbitant and disproportionate costs for recalling the witnesses is unjustified, as such costs ought to be reasonable

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and proportionate. The learned counsel for the petitioner further contends that the witnesses are material to the case and that their evidence does not establish the essential ingredients of the alleged offences. The Court below failed to take into consideration that several witnesses had settled their claims and that the petitioner was not in a position to pay the exorbitant costs imposed. The consolidated cost of Rs.1,20,000/- is excessive and disproportionate. It is further contended that the delay was not attributable to the petitioner but was occasioned by the belated examination of the prosecution witnesses. The dismissal of the petition on account of non-payment of the costs of Rs.1,20,000/- has caused grave prejudice to the petitioner and deprived him of a valuable opportunity to effectively defend the case. Hence, the impugned order is unsustainable in law and liable to be set aside.

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

5.On perusal of the records, this Court finds no illegality or infirmity in the order dated 17.11.2025 passed by the learned XXXI Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P. No.11428 of 2025 in C.C.No.10176 of 2014, warranting interference by this Court.

6.Accordingly, this Criminal Original Petition stands dismissed.

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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.

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G.K.ILANTHIRAIYAN, J.

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CRL OP No. 17188 of 2026

04-11-2026
1/2

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