



WEB COPY

CRL OP No. 15655 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15655 of 2026

Mahendran

..Petitioner(s)

Vs

The Inspector Of Police
Bank Fraud Investigation Section,
Central Crime Branch,
Vepery,
Chennai - 600 007

..Respondent(s)

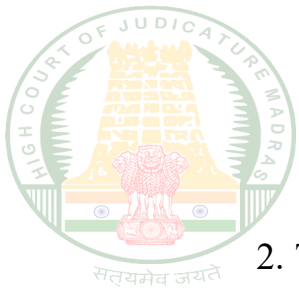
To pass an appropriate order to set aside the Crl.M.P.No.1967 of 2026 in C.C.No.36 of 2012 passed by learned XXXI Metropolitan Magistrate Judge, for exclusive trial of Addl. CCB Court, Egmore, Chennai, order dated 03.06.2026 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.J.Venkatesa Perumal

For Respondent(s): Mr.A.Amarnath,
Government Advocate (Crl. Side)

ORDER

The petitioner/accused, who is facing trial in C.C.No.36 of 2012, filed a petition in Crl.M.P.No.1967 of 2026 under Section 311 Cr.P.C seeking recall of witnesses. The Trial Court dismissed the said petition, against which, the present petition has been filed.



2. The learned counsel for the petitioner submitted that an earlier petition filed by the petitioner for recalling PWs.1 to 11 for further cross-examination had been allowed by the Trial Court subject to payment of costs of Rs.44,000/-. Since the petitioner was unable to comply with the said condition, the witnesses could not be further cross-examined. It was further submitted that the petitioner is now ready and willing to pay the costs imposed and may therefore be afforded an opportunity to further cross-examine the said witnesses.

3. Per contra, the learned Government Advocate (Crl. Side) submitted PWs.1 to 11 had already been cross-examined by the defence and that the earlier application was only for further cross-examination. It was contended that the case pertains to the year 2006 and the present application, filed after an inordinate lapse of time, is intended solely to delay the proceedings.

4. This Court has carefully considered the rival submissions and perused the materials available on record. The occurrence is of the year 2006, the final report came to be filed in the year 2012, and the trial has been pending for a considerable period. Earlier, the petitioner filed an application under Section 311 Cr.P.C. in Crl.MP.No.3623 of 2024 seeking recall of PWs.1 to 11. By order dated, 14.11.2024, the Trial Court allowed the said application subject to payment of costs of Rs.44,000/-. Taking note of the protracted nature of the



proceedings and the conduct of the petitioner, the Trial Court imposed the said costs. Aggrieved by the said condition, the petitioner approached this Court in Crl.OP.No.32253 of 2024. However, by order dated 02.01.2025, this Court declined to interfere with the order of the Trial Court and dismissed the petition.

5. Thus, it is evident that the petitioner had already been granted an opportunity to recall and further cross-examine the witnesses. Having failed to comply with the condition imposed and having allowed the earlier order to attain finality, the petitioner cannot be permitted to seek the very same relief by filing a fresh application. The present attempt appears to be a clear endeavour to prolong the trial proceedings, which have already remained pending for nearly two decades.

6. In such circumstances, this Court finds no infirmity or illegality in the order passed by the Trial Court dismissing the petition. Accordingly, the Criminal Original Petition stands dismissed.

22-06-2026

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



To

1. The XXXI Metropolitan Magistrate Judge,
for exclusive trial of Addl. CCB Court,
Egmore, Chennai

2. The Inspector Of Police
Bank Fraud Investigation Section,
Central Crime Branch,
Vepery, Chennai - 600 007

3. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

PVS

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