



Crl. O.P. No. 4048 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 18.02.2026

CORAM:

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl. O.P. No. 4048 of 2026

and

Crl. M.P. No. 2803 of 2026

1.M. Srinivasan

2.A. Ganesan

3.M. Kanakaraj

... Petitioners

Vs.

State Rep., by  
The Sub Inspector of Police,  
C2 – Race Course Police Station,  
Coimbatore.  
(Crime No. 238 of 2004)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to set aside the order dated 19.11.2025 passed in Crl.M.P.No.11098 of 2025 in C.C.No.448 of 2010 on the file of the Judicial Magistrate No.III, Coimbatore.

For Petitioners : Mr. R. Radha Pandian

For Respondent : Mr. S. Santhosh  
Government Advocate (Criminal Side)



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## **ORDER**

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The present Criminal Original Petition has been filed seeking to set aside the order dated 19.11.2025 passed in Crl.M.P.No.11098 of 2025 in C.C.No.448 of 2010 on the file of the Judicial Magistrate Court No.III, Coimbatore.

2. Learned counsel for the petitioners would submit that the petitioners are accused facing trial in C.C. No.448 of 2010 for offences under Sections 379, 468 and 471 r/w 109 IPC. PW.1 and PW.2 were examined in chief on 10.11.2025 and PW.3 was examined in chief on 11.11.2025. At that time, the prosecution attempted to introduce four new documents, but copies of those documents were not served on the accused. Therefore, the learned counsel for the petitioners sought copies of those documents under Section 207 Cr.P.C. However, the trial Court, rejecting the claim of the petitioners, appointed an Amicus Curiae, who cross-examined the witnesses on the same day. Certain important points are yet to be elicited by the counsel for the accused. Hence, it is necessary that the witnesses be recalled and cross-examined as otherwise, it would amount to denial of defence.



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3. He would further submit that though there had been certain lapses on the part of the petitioners in not seeking those documents at an earlier point of time, those documents were introduced only when the witnesses were examined in chief, for which the accused cannot be faulted. He would further submit that the petitioners are now ready to abide by any condition and are also ready to pay costs for recalling the witnesses and the petitioners further undertake to cross-examine the witnesses on the same day on which they are produced before the Court.

4. Learned Government Advocate (Criminal Side) would submit that the case pertains to the year 2010 and has been pending for more than 15 years and that the trial Court has rightly dismissed the petition.

5. Heard both sides and perused the materials available on record.

6. As pointed out by the learned counsel for the petitioners, though the case pertains to the year 2010, the witnesses were examined in chief only on 10.11.2025 and 11.11.2025. According to the learned counsel for the petitioners, four new documents were sought to be introduced only at that



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stage. This Court is of the opinion that one opportunity should be granted to the petitioners to cross-examine the witnesses for arriving at a just decision in this case.

7. This Court enquired the respondent-police through the learned Government Advocate (Criminal Side) and Mr. Chelladurai, Sub-Inspector of Police, submitted that the witnesses are available in the locality.

8. In view of the above, the impugned order dated 19.11.2025 in Crl.M.P.No.11098 of 2025 in C.C.No.448 of 2010 is set aside. The petitioners are directed to deposit a sum of Rs.7,500/- to the credit of C.C.No.448 of 2010 within one week from the date of receipt of a copy of this order. On such deposit, the learned trial Judge shall fix a date for the appearance of the witnesses and the petitioners shall ensure that the witnesses are cross-examined on the same day of their appearance. The learned trial Judge shall disburse Rs.2,500/- to each of the witnesses viz., PW.1 to PW.3 on the date of their appearance before the Court. In the event of the petitioners failing to cross-examine the witnesses on the day of their appearance, they would lose further chance of cross-examination.



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9. Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

**18.02.2026**

Index: Yes/No

Neutral Citation: Yes/No

AT

To

1. The Sub Inspector of Police,  
C2 – Race Course Police Station,  
Coimbatore.

2. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

AT

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