



Crl.OP(MD)No.3716 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD).Nos.3716 and 3728 of 2024
and Crl.M.P(MD).Nos.2921, 2919, 2937 and 2936 of 2024

Crl.O.P(MD).No.3716 of 2024

K.Bharathi

...Petitioner/ 6th Accused

Vs.

1.The Inspector of Police,
Commercial Crime Investigation Wing,
Ramanathapuram.
Crime No.17 of 2001

2.L.Gnanaprakasam

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.319 of 2003 on the file of the learned Judicial Magistrate No.I, Ramanathapuram and quash the charge sheet and consequential all further proceedings as against the petitioner.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.M.Sakthikumar

Government Advocate (Crl.side)



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For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.M.Sakthikumar

Government Advocate (Crl.side)

COMMON ORDER

Seeking to quash the charge sheet in C.C.Nos.318 and 319 of 2003 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, this criminal original petition is filed.



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2. When the matter came up for hearing, the learned Government Advocate (Crl.side), on instructions, submitted that already trial has commenced and L.W.1 to L.W.3 were examined.

3. In view of the above, as the substantive evidence had already come on record and documents have also been filed, at this stage, this Court cannot conduct a mini trial. This Court, exercising its jurisdiction under Section 528 BNSS, cannot conduct a roving enquiry or mini trial as held by the *Hon'ble Supreme Court* in *Gunmala Sales Private Limited Vs., Anu Mehta and others* reported in *(2015) 1 SCC 103*. Hence, this Court is not inclined to quash the proceedings.

4. Accordingly, these Criminal Original Petitions are dismissed. The petitioner is directed to raise all the defence before the trial Court. The trial Court is directed to conduct trial and conclude the same as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.



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5.Considering the facts and circumstances of the case, the personal appearance of the petitioner before the learned Trial Court is ordered to be dispensed with, on conditions that he shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, and at the time of passing judgment and on all the hearings, specifically directed by the learned Trial Court.

6.The petitioner shall appear before the Court in the event his presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the learned Trial Court to insist for his appearance and deal with the petitioner in accordance with the law laid down by the *Hon'ble Supreme Court of India*, in the case of *State of UP vs. Shambunath Singh*¹. Accordingly, Crl.M.P(MD).Nos.2921 and 2937 of 2024 are ordered and connected Crl.M.P(MD).Nos.2919 and 2936 of 2024 are closed.

28.01.2026

NCC : Yes / No
Index : Yes / No
Rmk

¹ 2001 (4) SCC 667



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To

- 1.The Judicial Magistrate No.I, Ramanathapuram.
- 2.The Inspector of Police,
Commercial Crime Investigation Wing,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

Crl.O.P.(MD).Nos.3716 and 3728 of 2024

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