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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : **22.01.2026**

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

Crl.M.P(MD) No.1197 of 2026  
in  
CRL OP(MD). No.16740 of 2025

Kanthasamy

Vs

... Petitioner

The State of Tamil Nadu,  
Rep. by the Superintendent of Police,  
NIBCID,  
Theni.  
(Crime No. 115/2007)

... Respondent

PRAYER :- Petition is filed under Section 483 of BNSS, 2023 r/w 528 of BNSS, 2023 to issue direction to the learned Special Judge for Communal Clashes, Madurai to proceed the case in obedient to the order passed in Crl.OP.(MD).No.16740/2025 dated 07.10.2025 and also direct the learned Special Judge for Communal Clashes, Madurai not to insist the petitioner to be present in all the hearings.

For Petitioner : Mr.A.George Stephen Kanikkairaj

For Respondent : Mr.M.Sakthi Kumar  
Government Advocate (Crl.Side)



## **ORDER**

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The petitioner seeks for a direction to the learned Special Judge for Communal Clashes, Madurai to proceed the case by complying with the order passed in CrI.OP.(MD).No.16740/2025 dated 07.10.2025 and also direct the learned Special Judge for Communal Clashes, Madurai not to insist the petitioner to be present in all the hearings.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the fifth accused in C.C. No. 44 of 2008 on the file of the Special Judge for Communal Clashes and NDPS Cases, Madurai. This Court, by order dated 07.10.2025, dispensed with the personal appearance of the petitioner before the trial Court, taking into consideration the health condition of the petitioner. However, the learned trial Judge, without complying with the said order, is insisting upon the petitioner's appearance for each and every hearing, and hence, the present petition has been filed.

3. The learned Government Advocate appearing for the respondent submitted that the order dated 07.10.2025 was passed by this



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Court solely considering the health condition of the petitioner. However, the entire trial has now been concluded and the prosecution arguments have already been advanced, and the case is pending for defence arguments. Without addressing the matter, the petitioner is prolonging the proceedings, and therefore, the trial Court has insisted upon the appearance of the petitioner. Hence, there is no infirmity in the said insistence.

4. I do not find any infirmity in the trial Court insisting upon the presence of the accused, particularly when the matter is posted for arguments and the same is being delayed without advancing arguments, evidently with an intention to protract the proceedings. In view of the above, this Criminal Miscellaneous Petition stands dismissed.

**22.01.2026**

Index :Yes/No  
NCC :Yes/No  
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**L.VICTORIA GOWRI,J.**

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To

1. The Special Judge for Communal Clauses, Madurai.
2. The Superintendent of Police,  
NIBCID, Theni.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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