



Crl.O.P.(MD)No.538 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2026**

CORAM:

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

Crl.O.P.(MD)No.538 of 2026
& Crl.M.P.(MD)No.567 of 2026

M.Sathan

... Petitioner

Vs.

1. State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(In Cr. No.46/2021)
3. P.Duraipandian
4. G.Manimaran
5. D.Jothiranganayaki

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to transfer the case in SPL.SC No.19/2021 on the file of the Special Court for exclusive trial of SC and ST Cases, Ramathapuram into any Special court in Madurai District.



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For Petitioner : Mr.R.L.Dhilipan Pandian
for Mr.A.Marthandavarman
For Respondents : Mr.M.Sakthi Kumar (R1 & R2)
Government Advocate (Crl.)

ORDER

The petitioner seeks for a direction to the respondent police to transfer the case in SPL.SC No.19/2021 on the file of the Special Court for exclusive trial of SC and ST Cases, Ramathapuram into any Special Court in Madurai District.

2. Considering the nature of the order proposed to be passed in this petition, notice to the respondents 3 to 5 is dispensed with.

3. The learned counsel appearing for the petitioner submitted that the petitioner herein is the de facto complainant/victim/L.W.1 in this case and that respondents 3 and 4, who are the accused in the said case, are stated to be lawyers practising in the local Bar. He categorically contended that the petitioner is a senior citizen, against whom a witness warrant had been issued, and that pursuant thereto, he appeared before the trial Court on 08.12.2025



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along with an application to recall the warrant. However, the same was not recalled on the ground that the application was not signed by the Public Prosecutor. Thereafter, the case was adjourned to 31.12.2025, on which date the petitioner was present. However, owing to his physical condition, he could not depose. The case was therefore further adjourned, and on the next date of hearing, the petitioner could not appear on health grounds, as a result of which his examination was dispensed with by the trial Court. The case has now been adjourned to 12.01.2026. In view of the same, he sought for transfer of the case.

4. However, the learned Government Advocate appearing for the respondent police submitted that solely due to his reluctance to depose, having been left with no other option, the trial Court dispensed with his examination as a witness.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. On perusal of the records, it is evident from the various entries in the B Diary that the case has been pending for a long time and accordingly, the trial



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Court cannot be faulted for dispensing with the examination of the victim.

However, this Court is of the considered view that the examination of the victim-witness is primordial for substantiating the crime involved. Accordingly, the petitioner is directed to appear before the trial Court on 27.01.2026, on which date the learned trial Court is directed to recall the witness warrant issued against the petitioner and facilitate his examination-in-chief.

7. However, it is made clear that the petitioner shall not seek any further adjournment for the same. Accordingly, this Criminal Original Petition is disposed of. The trial Court is directed to conclude the trial in SPL.SC No. 19/2021 on the file of the Special Court for exclusive trial of SC and ST Cases, Ramathapuram, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

09.01.2026

NCC : Yes / No
Index : Yes / No
Sm



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TO:-

1. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
3. The Special Court for exclusive trial of SC and ST Cases,
Ramathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.538 of 2026

Dated
09.01.2026