



Crl.Rc(MD)No.415 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.RC.(MD).No.415 of 2026

and

Crl.MP.(MD) No.5060 of 2026

1.Santhakumari

2. Satheesh

... Petitioners

Vs.

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.250 of 2022)

... Respondent

Prayer: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for records of the Crl.MP.No.926 of 2025 in CC No.77 of 2023 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, and to set aside the order passed therein dated 18.09.2025.

For Petitioner : Mr.B.Brijesh Kishore

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



Crl.Rc(MD)No.415 of 2026

WEB COPY

ORDER

Preface:

This Criminal Revision Case is directed against the order dated 18.09.2025 passed by the learned Judicial Magistrate No.I, Kuzhithurai, in Criminal M.P. No.926 of 2025 in C.C. No.77 of 2023, whereby the petition filed by the accused under Section 266 of the Bharatiya Nagarik Suraksha Sanhita seeking to summon additional witnesses and documents was dismissed, and being aggrieved by the same, the present revision has been filed.

Case of the prosecution:

2.The prosecution case, in brief, is that the respondent police registered a case in Crime No.250 of 2022 dated 11.12.2022 for the offence punishable under Section 392 IPC, on the basis of the complaint lodged by the *de facto* complainant, one Christeenal, W/o.Ganesan, alleging that two unidentified persons who came on a Honda Stunner motorcycle had snatched her gold chain and fled away from the scene of occurrence, and upon completion of the investigation, the respondent police laid a charge sheet which was taken on file as C.C. No.77 of 2023 on the file of the learned Judicial



Crl.Rc(MD)No.415 of 2026

Magistrate No.I, Kuzhithurai, and the case has progressed and was posted for arguments on 06.02.2026.

Grounds in the revision:

3.The petitioners, who are the accused in the said case, contend that the learned Magistrate erred in dismissing their petition filed under Section 266 BNSS seeking to summon additional witnesses, namely the Assistant Transport Commissioner and the Regional Transport Officer at Thiruvananthapuram, to establish that the second petitioner does not own any motorcycle, does not possess a driving licence, and does not know how to ride a two-wheeler, and according to them, such evidence is essential to disprove the prosecution case and to establish their innocence, and therefore the dismissal of the petition solely on the ground that the case was posted for arguments is arbitrary and unsustainable.

Arguments on either side:

4.The learned counsel for the petitioners submitted that Section 266 BNSS confers a valuable right upon the accused to summon witnesses and produce documents in support of their



Crl.Rc(MD)No.415 of 2026

defence and that denial of such opportunity would amount to denial of a fair trial, and further contended that the learned Magistrate failed to appreciate that the stage of the case cannot be a ground to reject a legitimate defence request.

5. Per contra, the learned Additional Public Prosecutor submitted that the petition was filed at a belated stage when the case had already been posted for arguments, that the proposed evidence is not relevant to the core issue involved in the case, and that the learned Magistrate has exercised his discretion properly and therefore no interference is warranted.

6. Heard, the learned Counsel on either side and carefully perused the materials available on record.

Point for consideration:

7. The point that arises for consideration in this revision is whether the order passed by the learned Judicial Magistrate dismissing the petition filed under Section 266 BNSS suffers from



any illegality, perversity or material irregularity warranting interference by this Court in exercise of its revisional jurisdiction.

Analysis:

7. It is no doubt true that the accused has a valuable right to adduce defence evidence and Section 266 BNSS enables the accused to summon witnesses and produce documents in support of their defence. However, such right is not absolute and the Court is vested with the discretion to examine the relevance and necessity of the proposed evidence as well as the stage at which such request is made.

8. In the present case, the primary defence sought to be projected by the petitioners is that they do not own the motorcycle allegedly used in the occurrence, that they do not possess a driving licence and that they do not know how to ride a two-wheeler, but as rightly observed by the learned Magistrate, driving is a skill which cannot be conclusively determined by the possession or absence of a driving licence and it is common knowledge that a person may be capable of riding a vehicle even without holding a valid licence, and



therefore the summoning of Transport Authorities to prove absence of licence or ownership particulars would not, by itself, conclusively establish the defence sought to be projected by the petitioners.

9. Further, such evidence does not have a direct bearing on the core issue as to whether the accused committed the offence of robbery, and it is well settled that only facts in issue and relevant facts are required to be proved and the Court is not bound to permit production of evidence which is not necessary for the just decision of the case, and in addition, the timing of the application assumes significance inasmuch as the petition was filed at the stage when the case had already been posted for arguments, and entertaining such application at a belated stage without sufficient justification would result in protraction of the proceedings, and therefore this Court finds that the learned Magistrate has exercised his discretion judiciously and the impugned order does not suffer from any illegality or perversity warranting interference.

10. In view of the above discussion, this Court is of the considered opinion that the order passed by the learned Judicial



Crl.Rc(MD)No.415 of 2026

Magistrate dismissing the petition filed under Section 266 BNSS is well reasoned and does not warrant interference, and accordingly, the impugned order dated 18.09.2025 passed in Criminal M.P. No. 926 of 2025 in C.C. No.77 of 2023 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, is confirmed and the Criminal Revision Case stands dismissed, and consequently, the connected miscellaneous petition is closed.

23.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate No.I,
Kuzhithurai.
- 2.The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.Rc(MD)No.415 of 2026

L.VICTORIA GOWRI, J.

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CRL RC(MD)No.415 of 2026

23.03.2026