



Crl.O.P.(MD)No.4538 of 2026

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L.VICTORIA GOWRI, J.

This matter is listed under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner submits that in the order dated 27.02.2026, the order of dispensing with the personal appearance of the petitioner has inadvertantly been omitted and therefore prays that the same may kindly be modified accordingly.

3. In view of the same, in para No.4 of the order dated 27.02.2026 passed in these petitions is modified as follows:-

“4. With the above direction, this Criminal Original Petition is dismissed. However, considering the facts and circumstances of the case, the personal appearance of the petitioner before the Trial Court is ordered to be dispensed with, on conditions that the petitioner shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, 2023 and at the time of passing judgment and on all the hearings, specifically directed by the Trial Court.

5. 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



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to the 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)No.4834 of 2026 is allowed and connected miscellaneous petition is closed.”

4. Barring the above, there are no other modifications to order dated 27.02.2026 passed in this petition.

5. Registry shall issue fresh order copy to the parties concerned incorporating the aforesaid modification.

17.04.2026

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¹ 2001 (4) SCC 667



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L.VICTORIA GOWRI, J.

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Crl.O.P.(MD)No.4538 of 2026

Dated
17.04.2026



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.4538 of 2026
and
CRL MP(MD)Nos.4833 & 4834 of 2026

S.Dhanasekaran

... Petitioner / Accused No.1

Vs

1.The State represented by
The Inspector of Police,
CCIW-CID Police Station,
Ramanathapuram District.
(Crime No.1 of 2002)

... 1st Respondent /Complainant

2.Gnanaprakasam

... 2nd Respondent / Defacto Complainant

PRAYER :-

To call for the records pertaining to the impugned charge sheet in C.C.No.107 of 2003 pending before the learned Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District and Quash the same as illegal as against the petitioner/Accused No.1 concern.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl Side)

ORDER

This Criminal Original Petition is filed to call for the records pertaining



to the impugned charge sheet in C.C.No.107 of 2003 pending before the learned Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District and Quash the same as illegal as against the petitioner/Accused No.1 concern.

2. It is the contention of the learned counsel appearing for the petitioner that there is no case made out from the materials collected by the prosecution as against the petitioner. Hence, seek to quash the final report.

3. The very submissions of the learned counsel appearing for the petitioner indicate that all the witnesses were examined on 21.06.2021. Without taking necessary steps to examine the defence witness, the petitioner has filed this Criminal Original Petition only to protract the pending trial. As the substantive evidence had already come on record and documents have also been filed by the witnesses, 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 v. Anu Mehta and others*** reported in **(2015) 1 SCC 103**. Since all the witnesses have deposed their evidence, it is for the trial Court to take note of it and proceed as per law. Hence this Court is not inclined to quash the proceedings. However, the trial Court is directed to complete the



trial as expeditiously as possible in C.C.No.107 of 2003 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District, within a period of four months from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions stand closed.

27.02.2026

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

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L. VICTORIA GOWRI,J

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To

- 1.The Judicial Magistrate No.I,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
CCIW-CID Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4538 of 2026

Date : 27/02/2026