



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2026

CORAM:

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

**Crl.R.C(MD).No.469 of 2026
and Crl.M.P(MD).No.5643 of 2026**

Pandiyaraj @ Baskar

... Petitioner /Accused

Vs.,

State: Represented By,
The Inspector of Police,
Ayikudi Police Station.
Crime No.153 of 2021

... Respondent

PRAYER: Revision case filed under Section 397 r/w 401 Code of Criminal Procedure, to call for the records relating to the order passed in Cr.M.P.No.236 of 2026 in S.C.No.47 of 2022 dated 18.02.2026 on the file of the Additional District and Sessions Judge, (FTC), Tenkasi and set aside the same.

For Petitioner : Mr.S.Mani
For Respondent : Mr.S.Sakthikumar
Government Advocate (Crl. Side)

ORDER

Seeking to set aside the impugned order passed by the learned Additional District and Sessions Judge, (FTC), Tenkasi, in Cr.M.P.No. 236 of 2026 in S.C.No.47 of 2022 dated 18.02.2026, this revision petition is filed.



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2.The learned Counsel for the petitioner submitted that the petitioner is the sole accused in the pending S.C.No.47 of 2022, which is a murder case. After completion of the prosecution witnesses and after questioning, when the case was opened up for defence' side evidence, the petitioner had filed a petition under Section 256 of BNSS to issue process to the petition mentioned witness, namely, the Nodal Officer of Airtel Network to mark the call details of P.W.1, P.W.5 and PW 10, who are alleged to have communicated the occurrence over their cell phones, along with the petition mentioned documents for defence side enquiry. However, the learned trial Court had dismissed the same, without any substantial grounds and hence, sought the indulgence of this Court by setting aside the impugned order to ensure the right of fair trial to the petitioner, who is accused before the trial Court.

3.He also pointed out that the information stored in any electronic gadget can be retrieved at any point of time. Therefore, the observation of the learned trial Court that the same could not be retrieved after a period of 5 years is unsustainable. With the advancement of modern technology, particularly by downloading an application such as 'e2PDF' on Android devices, the entire data can be retrieved without any



time limitation. Hence, the impugned order is liable to be interfered with.

Being a case of circumstantial evidence, the learned counsel pointed out that the examination of the said witness is pivotal for substantiating the innocence of the petitioner and hence, sought for setting aside the impugned order.

4.The learned Government Advocate (crl.side) categorically contended that there is no infirmity in the impugned order and he pointed out that the petitioner is an accused, who is facing trial for the charge punishable under Section 302 IPC and the case is pending for examination of defence side witnesses. He made it clear that the case of the prosecution is mainly based on the evidence of eyewitness and other circumstantial evidence, such as disclosure, statement, recovery of weapon and motive. In such position, the petitioner has filed this petition to examine the petition mentioned witness that is Nodal Officer, Airtel Network to mark the call details of P.W.1, P.W.5, and P.W.10, who had communicated the alleged occurrence over their cell phones. But, in this case, the eyewitnesses were examined already as P.W.2 and P.W.3 and were subjected to cross-examination by the petitioner. Those P.W.1 P.W.5 and P.W.10 are only hearsay witnesses and hence, summoning the Nodal Officer, Airtel Network to mark the call details of P.W.1, P.W.5,



and P.W.10 is not necessary as rightly observed by the learned trial Court. He also made it clear that the learned trial Court had dismissed the petitioner's application only for the reason that best evidence is already available for the just decision of the case and hence, the trial Court had come to a conclusion that the petitioner had filed the said petition only with an intention to protract the proceedings under the guise of summoning the Nodal Officer of Telecom Service Providers and sought for dismissal of the revision petition.

5. Heard either side and carefully perused the materials available on record.

6. Needles to state in criminal trial, the right of defence is a pivotal tool for rendering justice to the victim as well as the accused. When the petitioner is able to convince this Court by stating that retrieving of information is possible by App like 'e2PDF', to ensure the right of fair trial to the petitioner, the learned trial Court is directed to permit the petitioner to summon Nodal Officer, Airtel Network as required, by paying witness batta as fixed by the learned trial Court.



7.It is made clear that the petitioner will not protract the proceeding by seeking adjournment to cross-examine the said witness and the cross examination should be concluded on the same day of appearance of the summoned witness.

8.In view of the same, the impugned order made in Cr.M.P.No. 236 of 2026 in S.C.No.47 of 2022 dated 18.02.2026 passed by the learned Additional District and Sessions Judge, (FTC), Tenkasi, is hereby set aside and this Criminal Revision case is allowed on payment of Rs.5,000/-(Rupees Five Thousand only) to the credit of WAA Cornelia Sorabjee Lecture Series, A/C No.6687756541, IFSC Code:IDIB000H040, within a period of one week from today. Consequently, connected Miscellaneous Petition is closed.

12.03.2026

NCC : Yes/No
Index : Yes/No
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To

1.The Additional District and Sessions Judge, (FTC), Tenkasi.

2.The Inspector of Police,
Ayikudi Police Station.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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