

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE
ERODE**

Present: **Tmt.S. SAMEENA, B.A., L.L.B.,**
Principal Sessions Judge, Erode.

Tamil Visuvaavasu Varudam, Aani Month, 32nd day
Wednesday, the 16th day of July, 2025

Crl MP No.2006/2020
CNR No.: TNED01-002117-2020
in
CA No.112/2019

1. Bharani Processing Mills,
rep. by its Managing Partner,
R.K. Gopalraj @ Gopalraju (65),
S/o. Krishnasamyraj,
No.31/32, Golden City,
Chinna Sengodampalayam,
Thindal Post, Erode - 638 012.

2. R.K. Gopalraj @ Gopalraju (65),
S/o Krishnasamyraj,
Managing Partner,
M/s. Bharani Processing Mills,
No.31/32, Golden City,
Chinna Sengodampalayam,
Thindal Post, Erode - 638 012.

... Petitioners/Appellants/A1 and A2

Vs

K.C. Madheswaran (48),
S/o Chinna Gounder,
D.No.95, Nalli Thottam,
Vettukattu Valasu,
Erode - 638 011.

... Respondent/Respondent/Complainant

This Criminal Miscellaneous Petition coming on 20.06.2025 for final hearing before me in the presence of Thiru. V.R.Sivasubramanian, B.Com, B.L.,

Advocate for the Petitioners/Appellants/A1 and A2, and of Thiru.M.Dhanraj, B.A., B.L., Advocate for the Respondent/Respondent/Complainant, and upon considering all material records in this criminal miscellaneous petition and hearing the submissions on both sides, and having stood over till this day for consideration, and this court doth deliver the following

ORDER

This Criminal Miscellaneous Petition is filed under S.391 CrPC to permit himself and three witnesses to adduce additional evidence and marking of certain documents as detailed in this petition.

02. Heard both sides and perused all the material records.

03. POINT FOR CONSIDERATION:

Whether the Criminal Miscellaneous Petition can be allowed?

POINT:

04. The Petitioner is an accused in this case. He had filed an application before this court under S.391 CrPC to permit him to adduce additional evidence and marking of certain documents and the same came to be dismissed by this Court on 06.03.2020 in CrI MP No.2237/2019 in CA No.112/2019. Against the said Order, the petitioner had preferred CrI RC No.632/2020 before the Hon'ble High Court and the Hon'ble High Court was pleased to pass an order on 02.09.2020 dismissing the CrI RC with the observation as follows: “ However, Gopalraj is at liberty to file a fresh application under S.391 CrPC before the appellate court for examining himself as a witness and the appellate court shall decide the same on merits”. The petitioner has chosen to file this application under S.391 CrPC on the strength of the said observation made by the Hon'ble High Court.

05. On perusal of the petition filed by the petitioner under S.391 CrPC would reveal that the petitioner besides examining himself as a witness, had sought permission to examine the following witnesses:

- (i) The Director, Pollution Control Board for Textile Dyeing Units, having office at Collector Office Campus, Erode,
- (ii) The Commercial Tax Officer, Commercial Tax Office, Chithode Circle, Erode, and
- (iii) The Bank Manager, Andhra Bank, Erode.

It is clear that the petitioner wants to examine more witnesses which was denied by the Hon'ble High Court in Crl RC No.632/2020. Therefore, the permission sought by the petitioner to examine the said three additional witnesses cannot be allowed in the light of the Order passed by the Hon'ble high Court in Crl RC No. 632/2020, dated 02.09.2020.

06. In the result,

- (i) the Criminal Miscellaneous Petition in Crl MP No.2006/2020 is partly allowed and the petitioner is permitted to examine himself as a witness in this case and the prayer for examining the said three additional witnesses is dismissed.
- (ii) the petitioner may be permitted to mark the proposed documents, subject to proof and relevancy.

Dictated to Steno-typist, typed by him directly, and then corrected and pronounced by me in the open court, this 16th day of July, 2025.

Principal Sessions Judge
Principal Sessions Court
Erode

Petitioners/Appellants/A1 and A2 Side Witness: Nil
Respondent/Respondent/Complainant Side Witness: Nil
Petitioners/Appellants/A1 and A2 Side Documents: Nil
Respondent/Respondent/Complainant Side Documents: Nil

Principal Sessions Judge
Principal Sessions Court
Erode