

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 13933/2026

[Arising out of impugned final judgment and order dated 25-03-2026 in CRLP No. 30522/2025 in CRL.M.P.No.8583/2025 in CC No.10/2019 passed by the High Court of Judicature at Madras]

THE STATE

Petitioner(s)

VERSUS

DAYANIDHI MARAN

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 21-08-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. Suryaprakash V. Raju, A.S.G.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Samrat Goswami, Adv.
Ms. Aastha Singh, Adv.
Mr. Akshat Aggarwal, Adv.
Mr. Om Prakash Gupta, Adv.

For Respondent(s) :

Mr. Sidharth Luthra, Sr. Adv.
Mr. Sumesh Dhawan, Adv.
Ms. Vatsala Kak, Adv.
Mr. Chitranshul A. Sinha, AOR
Ms. Kavya Tekriwal, Adv.
Ms. Rakshita Bhargava, Adv.
Mr. Shivam Shorewala, Adv.
Mr. Sougat Pati, Adv.
Mr. Narprakash Teji, Adv.
Ms. Rushika Patil, Adv.

Mr. Nalin Kohli, Sr. Adv.
Ms. Sneha, Adv.
Mr. K.V. Jagdisvaran, Adv.
Ms. G. Indira, Adv.
Ms. Anjali Singh, Adv.
Mr. Vimal Mohan, Adv.
Mr. Gandepan, Adv.
Ms. Yashi Jain, Adv.
Mr. Joseph, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Suryaprakash V.Raju, learned Additional Solicitor General appearing for the petitioner and Mr. Sidharth Luthra, learned senior counsel appearing for the sole respondent.
2. We are in the present petition only concerned with the direction of the High Court that the Secretary, Telecom be summoned as a court witness. The Trial Court vide its order dated 10th October, 2025 rejected the prayer of the respondent to summon the Secretary, Telecom as a court witness.
3. The High Court has reversed the said order.
4. Having heard learned counsel appearing for the parties and perusing the papers, we are of the opinion that there was no justification for

the High Court to interfere with the well-considered order of the Trial Court declining to summon the Secretary, Telecom as a court witness.

5. The Trial Court recorded the following reasons to reject the application of the respondent:-

"15. This request of the petitioners to examine them as a court witness by citing a reason that they will have imitations in making cross examination and the same is a tactics adopted by the prosecution to prevent the accused in bringing of the truth does not impress the court as the procedural law is very clear which has given powers to the court to summon any person if it finds that some truth has to be brought out on records call upon any person and put question. If any questions are put to such witnesses and answers are made that may go either against the prosecution or against defence. Hence in such a case the concerned parties may cross examine the witnesses. Whereas when a witness is cited either is a prosecution witness or as a defence witness those witnesses were already identified by those parties that they will offer testimony supporting their version. Further Evidence Act also provides a procedure to seek permission of the court when they failed to support their version by treating them as hostile. This court is not inclined to accept the argument of the petitioners counsel that there will be imitations to the defence counsel when cross examining a witness by citing their own witness namely as a defence witness.

16. This is a settled legal principle of law which was explained by the Hon'ble Apex Court in many cases that even the evidence

of a hostile witness cannot be completely effaced of its evidential value "and it has to be properly appreciated by the court. In the same way if the defence finds that any of the prosecution witnesses not examined will throw light, if questions were put to them they can very well call upon them as a defence witness and if in any case they are not supporting them seek permission of the court and very well cross examine that witness also. Therefore, this request is specious though it appears to be offering a very good reason to examine those witnesses as court witnesses as the law explained by the Hon'ble Apex Court referred in the Judgment cited by both the counsels, this power has to be exercised by the court only when it finds that there is a need to call upon any person and to put questions to find out the truth in that case. Those situation if arises the court will exercise its power. Further examining the witness at the request of the accused itself would expose the fact that it is not the witness at the instance of the court. Hence this court is not inclined to accept the request of the petitioner to summon these witnesses as court witnesses...."

6. The Trial Judge, who had by then examined 98 witnesses on behalf of the prosecution and marked 418 Exhibits, found no justification for summoning the Secretary (Telecom), as a Court Witness. The reasoning adduced is sound and the discretion had been validly exercised. We have examined the reasons recorded by the High Court, particularly, in Paragraph Nos. 21, 22, 23 and

37, in the impugned order. The High Court has recorded that examining the Secretary (Telecom) would assist the Trial Court in obtaining clarity on the administrative framework.

7. The prosecution has contended that it has already examined Ms. Rita Achary (PW-60) and other witnesses on the aspect and they have not felt the need to examine the Secretary (Telecom) as their witness. If the defence feels that any administrative framework has to be brought forward, they are free to examine the Secretary (Telecom) as a defence witness.

8. There is no reason as to why on facts, the Secretary (Telecom) should be summoned as a Court Witness when the Trial Court had, at this advanced stage of the Trial, did not feel the need to examine the Secretary (Telecom) as a Court Witness. We are of the opinion that no valid reasons have been assigned to interfere with the well-considered order of the High Court.

9. When the matter came up on 10th August, 2026, this Court passed the following order:

"1. When the matter is taken up, we put it to Mr. C.S.Vaidyanathan, Mr. Mukul Rohatgi, and Mr. Nalin Kohli, learned senior counsel appearing for the respondent(s) as to why the Secretary, Telecom cannot be summoned as a defence witness.

2. We also put it to Mr. Suryaprakash V.Raju, learned Additional Solicitor General appearing for the petitioner whether he would have any objection if the Secretary, Telecom, is summoned as a defence witness.

3. Learned Additional Solicitor General submits that he would not object to such a course of action.

4. At this stage, learned senior counsel for the respondent seeks time to obtain instructions.

5. On joint request, list on 21st August, 2026."

10. Today, learned senior counsel appearing for the respondent submits that while his primary submission is that the impugned order insofar as the Secretary, Telecom being summoned as a court

witness should be sustained, alternatively, in the event of the Court not accepting the said stand, he would like to examine the Secretary, Telecom as a defence witness.

11. Now that we are inclined to restore the order of the Trial Court, we permit the respondent to summon the Secretary, Telecom as a defence witness. As already indicated in the aforesaid order of 10th August, 2026, learned Additional Solicitor General for the petitioner has conveyed that he would have no objection to such course of action.

12. In view of what has been discussed above, we restore the order of the Trial Court. We further record that the respondent will have the option to summon the Secretary, Telecom as a defence witness, if he so desires. This order will be in supersession of the order of the High Court, insofar as the summoning of Secretary (Telecom) is concerned.

13. Needless to observe that the Trial will proceed uninfluenced by the observations of the

orders of the courts below as well as this Court and notwithstanding any observation in the orders referred to. The Trial will proceed independently in accordance with law and uninfluenced by any of the observations.

14. With the above observations, the Special Leave Petition is disposed of.

15. Pending application, if any, shall stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER