



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21620 of 2026

and

CRL.MP.No.14357 of 2026

1. Senthil
S/o.Sundarajan,
Residing at MGR Nagar,
Anayampatti Village and Post,
Gangavalli Taluk,
Salem District.
2. Chitra
W/o.Senthil Kumar,
Residing at MGR Nagar,
Anayampatti Village and Post,
Gangavalli Taluk,
Salem District.
3. Periyasamy
S/o.Jayapal,
All are Residing at MGR Nagar,
Anayampatti Village and Post,
Gangavalli Taluk,
Salem District.

..Petitioner(s)

Vs

The State Rep. by The Inspector of Police,
Gangavalli Police Station,
Salem, Salem District.
Crime No.549/2020

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed by the Learned Judicial Magistrate No.II, Attur, Salem District in Crl.M.P.No.19/2026 in C.C.No.489/2023 by order dated 14.07.2026 and thus render Justice.



WEB COPY



For Petitioner(s):

M/s.R.Thulasi

For Respondent(s):

Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side)

ORDER

The prayer in this Criminal Original Petition is to set aside the order dated 14.07.2026 made in Crl.M.P.No.19 of 2026 in C.C.No.489 of 2023, whereby the application filed by the petitioners seeking to recall P.W.1 to P.W.6 for the purpose of cross-examination came to be dismissed by the learned trial Court.

2. The learned Trial Court, while dismissing the application, has reasoned that the petitioners had already filed an earlier application for the same relief and that, though the said application was allowed, the petitioners had failed to avail the opportunity granted to them.

3. The learned counsel for the petitioners would submit that the above reasoning is factually incorrect and that this is the first application filed by the petitioners seeking to recall P.W.1 to P.W.6 for cross-examination.

4. The learned Government Advocate (Criminal Side) is not in a position to refute the said submission.



5. Considering the overall facts and circumstances of the case and also taking note of the fact that the case relates to an offence involving hurt, this Court is of the opinion that an opportunity can be granted to the petitioners to cross-examine the witnesses.

6. In view of the above, this Criminal Original Petition is allowed on the following terms:

(i) Within a period of two weeks from the date of receipt of the web copy of this order, the petitioners shall deposit a sum of Rs.1,500/- per witness, for each of the six witnesses.

(ii) Upon such deposit being made, the order dated 14.07.2026 shall stand set aside and the learned Trial Court shall recall P.W.1 to P.W.6 on such convenient dates as may be fixed by the learned Trial Court.

(iii) The petitioners shall cross-examine the witnesses on the respective dates of their appearance without seeking any further adjournment.

(iv) No further extension of time shall be granted either for depositing the aforesaid amount or for cross-examination of the witnesses.



Consequently, connected miscellaneous petition is closed.

WEB COPY

06-08-2026

Neutral Citation: Yes/No

av

To

1. The learned Judicial Magistrate No.II,
Attur, Salem District.
2. The Inspector of Police,
Gangavalli Police Station,
Salem, Salem District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL OP No. 21620 of 2



D.BHARATHA CHAKRAVARTHY, J.

av

**CRL OP No. 21620 of 2026
and
CRL.MP.No.14357 of 2026**

06-08-2026