



Crl.O.P.(MD).No.11256 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.11256 of 2026

Manikandan

... Petitioner/Accused

Vs

The State of Tamil Nadu,
Represented by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.338 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records and set aside the order passed by the learned Assistant Sessions Judge, Valliyoor in Crl.M.P.No.10 of 2026 in S.C.No.208 of 2023, dated 30.04.2026 in respect of dismissing the petition filed by the petitioner under Section 311 of Cr.P.C. (Section 348 of BNSS), and consequently direct the trial Court to recall PW.1 to PW3 for cross-examination.

For Petitioner : Mr.K.Sivabalan
for M/s.Aran Legal Consultancy

For Respondent : Mr.B.Arun
Counsel for State of TN(Crl.Side)



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ORDER

The present petition has been filed by the accused person in S.C.No. 208 of 2023 on the file of the Assistant Sessions Court, Valliyoor , Tirunelveli District, seeking to set aside the order dated 30.04.2026 passed in Crl M.P.No. 10 of 2026.

2. The petitioner has been charged with the offence under Section 436 of IPC. P.W.1 to P.W.3 were chief exsamed on 06.01.2026 and they were not cross examined by the petitioner. P.W.4 and P.W.5 were cross examined by the petitioner on different dates and the case was posted on 26.02.2026 for chief examination of P.W.6. Hence, the present application has been filed.

3. The trial Court has chosen to dismiss the present application, primarily on the ground that when the case was posted on 11.09.2025, the petitioner was absent and therefore, it was adjourned to 06.01.2026 and on the said date, P.W.1 to P.W.3 were chief examined. However, the facts have been suppressed and the delay has not been properly explained. Even after



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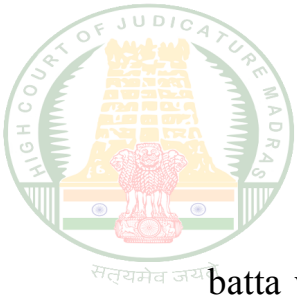
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the recall of the witnesses they were not cross examined. On these grounds, the trial Court has chosen to dismiss the application. Challenging the same, present petition has been filed.

4. According to the learned counsel appearing for the petitioner, on 06.01.2026, due to advocates boycott, P.W.1 to P.W.3 could not be cross examined. P.W.4 and P.W.5 were cross examined on different dates. Then it was posted for chief-examination of P.W.6 on 26.02.2026. Immediately, the present application has been filed. According to him, they are material witnessses and unless they are cross examined, the petitioner would be put to great hardship.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. Considering the fact that the application was filed on 26.02.2026 and so far the evidence has not been concluded, this Court is inclined to grant one more opportunity to the petitioner and the order passed in Crl.M.P.No.10 of 2026, dated 30.04.2026 is set aside with a direction to the petitioner to file the



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batta within three days from the date of receipt of a copy of this order. The cross examination of P.W.1 to P.W.3 shall be completed on the date when they appear. It is made clear that no further opportunity will be granted to the petitioner.

7. With the above said observation, this Criminal Original Petition is allowed.

16.06.2026

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

1. The Assistant Sessions Judge, Valliyoor.
2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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