



Crl.OP(MD) No.14053 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.14053 of 2026

Sudalaimani

... Petitioner

Vs

The State of Tamilnadu Rep By,
Through the Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(Crime No.548 of 2017).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the order dated.12.06.2026 in Cr.MP.No.17 of 2026 in S.C.No.356 of 2019 on the file of the learned I-Additional District Judge, Tirunelveli and set aside the same.

For Petitioner : Mr.S.Srikanth

For Respondent : Mr.B.Arun
Government Advocate (Crl.Side)



Crl.OP(MD) No.14053 of 2026

WEB COPY

ORDER

The present petition has been filed by A2 in SC No.356 of 2019 on the file of the learned I Additional District Judge, Tirunelveli seeking to set aside the order, dated 12.06.2026 made in Crl.M.P.No.17 of 2026, wherein, the application filed by the petitioner under Section 348 of BNSS has been dismissed.

2.A perusal of the records revealed that the petitioner has been charged with the offence under Sections 341, 294(b), 302 and 506(ii) of IPC.

3.Out of 21 listed witnesses, all of them have been examined and after 313(1)(b) Cr.P.C., questioning, the present petition has been filed seeking to recall PW3 and PW4 for further cross examination. In fact, PW 3 and PW4 were chief examined and cross examined on 16.02.2024.

4.The present application has been filed on 03.04.2026 seeking to recall PW3 and PW4 on the ground that some questions, which are arising out of Section 164 of Cr.P.C., statement have not been put to PW3 and PW4 and due to change of counsel.



Crl.OP(MD) No.14053 of 2026

5.The trial Court after considering the reasons assigned in the petition has chosen to dismiss the application on the ground that change of counsel is not a ground for filing an application under Section 348 of BNSS. Challenging the same, the present petition has been filed.

6. According to the learned counsel appearing for the petitioner, the previous counsel has not put suggestions relating to Section 164 of Cr.P.C., statement made by PW3 and PW4 and in such circumstances, if the petitioner is not permitted to recall PW3 and PW4, great prejudice would be caused to him.

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

8.As could be seen from the records that PW3 and PW4 were chief and cross examined on 16.02.2024. The present application has been filed after a period of two years. That apart, change of counsel cannot be a ground for permitting an application under Section 348 of BNSS. The trial Court has rightly rejected the petition and this Court does not find any reason to interfere with said order. There are no merits in the petition.



Crl.OP(MD) No.14053 of 2026

WEB COPY

9. In view of the above facts, this Criminal Original Petition stands dismissed.

13.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM

To

- 1.The I Additional District Judge, Tirunelveli
- 2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.OP(MD) No.14053 of 2026

R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
Crl.OP.(MD)No.14053 of 2026

13.07.2026