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Crl.O.P.(MD).No.13860 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.13860 of 2026

and

Crl.M.P(MD) No.13479 of 2026

Ramkumar

... Petitioner

Vs

State of Tamil Nadu
Represented by
The Inspector of Police,
Thanjavur Medical College
Hospital Police Station,
Thanjavur District.
(Crime No.2 of 2026)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order passed in Crl.M.P.No.112 of 2026, dated 02.07.2026 on the file of the learned Judicial Magistrate No.II, Thanjavur and allow the petitioner to cross examine the P.W.1 and to accept to examine the defacto complainant in Crime No.2 of 2026 as the defence witnesses.

For Petitioner : Mr.A.Arun Prasad

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



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ORDER

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The present petition has been filed by the petitioner in Crl.M.P.No.112 of 2026, on the file of the learned Judicial Magistrate No.II, Thanjavur, seeking to set aside the order dated 02.07.2026 wherein the request for recalling P.W.1 to P.W.3 was partly allowed.

2. A perusal of the records reveal that proceedings have been initiated as against the petitioner for the alleged breach of bond executed by him. P.W. 1 to P.W.3 have been examined on 15.06.2026 and 17.06.2026. The present application has been filed on 25.06.2026 seeking to recall all the three of them. The trial Court has partly allowed the application with regard to P.W.2 and P.W.3 and has rejected it with regard to P.W.1.

3. The trial Court has categorically pointed out that examination of P.W.1 is a formal one and nothing more. It is also pointed out that the petitioner has made no cross, when P.W.1 to P.W.3 are for chief examination. Challenging the same, the present petition has been filed.



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4. According to the learned counsel appearing for the petitioner, certain suggestions to P.W.1 is recalling and cross examination is necessary. The learned counsel appearing for the petitioner further submitted that the petitioner has filed an independent memo to examine the defacto complainant which has been rejected by the trial Court.

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

6. As far as recalling of P.W.1 is concerned, the petitioner counsel has made an endorsement that there is no cross and he is only a formal party and in such circumstances, the question of recalling P.W.1 for cross examination would not arise. As far as the grievance of the petitioner that he has filed a memo for examination of defacto complainant is concerned, as and when the same is put to challenge, the said issue can be considered by this Court.



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7. In view of the above said facts, there are no merits in this petition.

Accordingly, this Criminal Original Petition is dismissed. Consequently connected Miscellaneous Petition is closed.

10.07.2026

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

1. The Judicial Magistrate No.II,
Thanjavur.
2. The Inspector of Police,
Thanjavur Medical College
Hospital Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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