



Crl. O.P.(MD) No.13899 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD).No.13899 of 2026

Gurumoorthy

... Petitioner

Vs

The State Of Tamil Nadu,
Rep., by the Inspector Of Police,
Theppakulam Police Station,
Madurai City.
(Crime No. 264 of 2023)

... Respondent

PRAYER: C-45S. To call for the records pertaining to the order in Cr.M.P.No. 1009 of 2026 in C.C.No. 1017 of 2023 dated 14.05.2026 on the file of the learned District and Sessions Judge, Communal Clash Cases Court, Madurai and set aside the same and pass such other orders.

For petitioner : Mr.J.Yogeswaran

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 3rd accused in C.C.No. 1017 of 2023, on the file of the learned District and Sessions Judge, Communal Clash Cases Court, seeking to set aside the order dated 14.05.2026, wherein the request of the petitioner to recall P.W.1 to P.W.3 has been rejected.

2. The petitioner has been charged with the offences under Sections 8(c), r/w. 20(b)(ii)(c), 29(1) of NDPS Act. The petitioner is in judicial custody right from the beginning and he has not been released on bail. P.W.1 was chief examined on 05.11.2024 and P.W.2 was chief examined on 11.11.2024 and P.W.3 on 18.11.2024. However, no cross examination was conducted.

3. The petitioner herein has not engaged a counsel. The petitioner has engaged the counsel only on 25.08.2025 and thereafter, the present application in Crl.M.P.No.1009 of 2026 has been filed, seeking to recall P.W.1 to P.W.3. The said application has been dismissed on the sole ground that the petitioner has sought several adjournments for letting in evidence on the side of the defence side.



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4. According to the learner counsel appearing for the petitioner, since the petitioner has not engaged a counsel, Court should have made arrangements for engaging legal aid counsel. However, the same was not done. Immediately, Vakalat was filed by the learned counsel for the petitioner and the present application has been filed.

5. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent raised strong objections and contended that the petitioner is trying to drag on the proceedings and they have sought several adjournments for letting in evidence on the side of the defence side.

6. The facts narrated clearly indicate that the petitioner has not duly defended by the counsel when P.W.3 were chief examined, neither a legal aid counsel was engaged by this Court.



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7. In such circumstances, in order to defend the petitioner herein, ample opportunity has to be granted. In view thereof, this criminal original petition is allowed on the following terms:-

- a) The order passed by the trial Court Crl.M.P.No.1009 of 2026 dated 14.05.2026, is set aside and the petitioner shall be permitted to recall P.W.1 to P.W.3 for cross examination.
- b) The petitioner shall pay batta, within a period of 3 days from the date of receipt of a web copy of the order.
- c) Cross examination shall be completed on the date when the witnesses appear and no adjournment shall be granted.
- d) It is made clear that no further opportunity shall be granted to the petitioner.
- e) No costs.

10.07.2026

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 13.07.2026.



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To:

1. The District and Sessions Judge, Communal Clash Cases, Madurai.
2. The State Of Tamil Nadu,
Rep., by the Inspector Of Police,
Theppakulam Police Station,
Madurai City.
(Crime No. 264 of 2023)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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