

Crl.OP(MD) No.15204 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.15204 of 2026
and Crl.MP(MD) No.14756 of 2026

Nagarajan

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police, DCB, Trichy District.
Crime No. 22 of 2021.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS., to call for the records pertaining to the impugned order 29.06.2026 made in Crl.M.P. No. 1194/2026 in C.C. No. 136/2023 on the file of the Learned Judicial Magistrate, Manapparai, Trichy District and set aside the same and consequently allow the above petition.

For Petitioner : Mr.B.Jameelarasu

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



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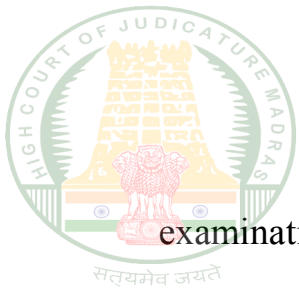
ORDER

The present petition has been filed by A1 in CC No.136 of 2023 on the file of learned Judicial Magistrate, Manapparai seeking to set aside the dismissal of his application filed under Section 348 of BNSS.

2.It could be seen from the records that the petitioner and his wife, who are arrayed as A1 and A2 are charged with the offence under Sections 420, 423, 365, 468, 471, 506(i) IPC r/w 34 IPC .

3.In the above said case, all the witnesses are being chief and cross examined, except PW8. PW8 (Investigation Officer) was chief examined on 04.06.2026. The counsel appearing for the second accused had cross examined PW8. However, the counsel appearing for the petitioner herein has not cross examined PW8 and the present application has been filed under Section 348 of BNSS to recall PW8. This application has been dismissed on the ground that the petitioner is trying to drag on the proceedings.

4.According to the learned counsel appearing for the petitioner, the petitioner and his wife stand on different footings. Therefore, the cross-



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examination conducted on behalf of his wife cannot enure to the benefit of the petitioner. Hence, it is submitted that the petitioner ought to be permitted to cross-examine P.W.8.

5.Considering the fact that the allegations of forgery are involved and within a short span of time, the present application has been filed seeking to recall PW8, to give one more opportunity to the petitioner herein, this Court is inclined to set aside the impugned order and pass the following orders:

- a) The impugned order in Crl.M.P. No. 1194 of 2026 in CC. No.136 of 2023, dated 29.06.2026 passed by the learned Judicial Magistrate, Manapparai is set aside and the petitioner shall be permitted to recall and cross examine PW8;*
- b) the petitioner shall pay batta within a period of three days from the date of receipt of copy of this order;*
- c) the petitioner is directed to cross examine PW8 on the date on which PW8 appears;*
- d) no further indulgence would be shown to the petitioner for cross examination of PW8.*



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6.In the above terms, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

23.07.2026

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

To

- 1.The Judicial Magistrate, Manapparai
- 2.The Inspector of Police, DCB, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
Crl.OP.(MD)No.15204 of 2026
and Crl.MP(MD) No.14756 of 2026

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