



CrI.OP(MD) No.15370 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.15370 of 2026

Murugan

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Cr.No. 15 of 2023).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to set-aside the order passed in Cr.M.P.No.347 of 2026 in C.C.No. 356 of 2023 dated 20.05.2026 on the file of the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur insofar as not permitting the petitioner to recall the witnesses PW1, PW2, PW5, PW6 and PW7 for cross examination.

For Petitioner : Mr.N.Marimuthu

for Mr.M.Pandiselvan

For Respondent : Mr.B.Arun

Government Advocate (CrI.Side)



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ORDER

The present petition has been filed by the sole accused in CC No. 356 of 2023 on the file of learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur, seeking to set aside the order passed in Crl.M.P.No.347 of 2026, wherein, the request of the petitioner under Section 348 of BNSS has been rejected.

2.A perusal of the records reveal that the petitioner herein is charged with the offences under Sections 279, 304(A) IPC. PW1 to PW7 have already been chief examined and the petitioner has not cross examined them. The petitioner had earlier filed a Criminal Miscellaneous Petition seeking to recall PW1 to PW7 and the same was allowed. Even though the witnesses were present on 16.02.206, the petitioner has not cross examined them. Thereafter, the present application has been filed seeking to recall PW1 to PW7. The trial Court has partly allowed the application with regard to PW3 and PW4 and dismissed the same with regard to the other witnesses. Challenging the same, the present petition has been filed.



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3. According to the learned counsel appearing for the petitioner, PW1 is the complainant and therefore, his cross examination is very much essential for defending the accused person. He further submits that when the Court has permitted PW3 and PW4 to be recalled, PW1, PW5 and PW6 could also be permitted to be recalled.

4. The learned counsel appearing for the petitioner, on instructions submitted that he is not pressing the present petition with regard to recall of PW2 and PW7.

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

6. The trial Court has permitted the petitioner to recall PW3 and PW4 and in such circumstances, permitting the petitioner to recall PW1 would not cause any prejudice.



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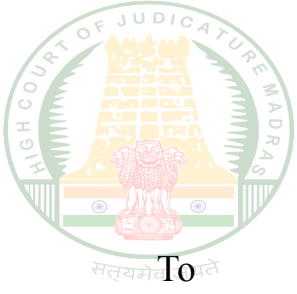
7. In view of the above said facts, this Court is inclined to pass the following orders:

- a) The impugned order in Crl.M.P. No. 347 of 2026 in C.C. No.356 of 2023, dated 20.05.2026 passed by the learned Chief Judicial Magistrate, Virudhunagar is set aside with regard to rejection of PW1 and confirmed the impugned order with regard to permitting the petitioner to recall PW3 and PW4;*
- 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 the witnesses as and when they appears;*
- d) it is made clear that the petitioner shall not be granted any further opportunity for cross examination.*

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

24.07.2026

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

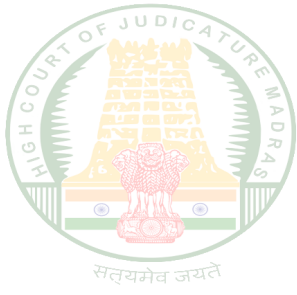


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- 1.The Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur
- 2.The Inspector of Police,
Malli Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
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24.07.2026