



Crl.OP(MD) No.15435 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.15435 of 2026
and Crl.MP(MD) No.14988 of 2026

Duraikumar

... Petitioner

Vs

1. State of Tamilnadu Rep by
Inspector of Police, DCB, Thoothukudi,
Thoothukudi District.
Crime No. 27 of 2013.

2. Muthukumarasamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS., to call for the records pertaining to the Criminal proceedings in M.P. No. 13/2026 in C.C. No. 1076/2017 dt. 04.07.2026 on the file of the learned Judicial Magistrate No. IV, Thoothukudi, Thoothukudi District and set-aside the same.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.B.Arun
Government Advocate (Crl.Side)
for R1



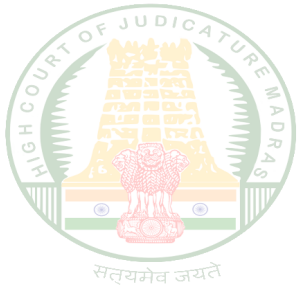
Crl.OP(MD) No.15435 of 2026

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ORDER

The present petition has been filed by the sole accused in CC No. 1076 of 2017 on the file of Judicial Magistrate No.IV, Thoothukudi, seeking to set aside the order passed by the trial Court in Crl.M.P.No.13 of 2026, wherein, the petition filed by the petitioner under Section 311 of Cr.P.C., has been rejected.

2.Perusal of the impugned order reveals that the petitioner is charged with the offence under Sections 419, 465, 468, 471 and 420 of IPC. PW1 to PW9 have been chief examined in the year 2021 and they were not cross examined on the same day of their appearance. The present application has been filed on 03.03.2026 seeking to recall PW1 to PW9 on the ground that the petitioner was affected with Jaundice in the year 2021, therefore, he could not cross examine the listed witnesses. It is further contended that he has changed the counsel and therefore, the present application has been filed seeking to recall PW1 to PW9, has been dismissed by the trial Court on the ground of delay. Challenging the same, the present petition has been filed.



Crl.OP(MD) No.15435 of 2026

WEB COPY

3. According to the learned counsel appearing for the petitioner, even though in the year 2025 an application was presented under Section 311 of Cr.P.C., and the same was not accepted by the trial Court and therefore, the present application has been filed. He further submits that PW3 was cross examined by the petitioner herein and the same was not reflected in the e-Court diary. Therefore, the petitioner seeks one more opportunity to cross examine PW1 to PW9.

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

5. As could be seen from the petition in Crl.M.P.No.13 of 2026, the petitioner has stated two reasons that he was suffering from Jaundice and he has changed the counsel recently, cannot be accepted as a reasonable grounds for recalling PW1 to PW9, that too, after the period of five years.



Crl.OP(MD) No.15435 of 2026

6.In such view of the matter, there are no merits in the petition.

Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

27.07.2026

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

To

- 1.The Judicial Magistrate No.IV, Thoothukudi
- 2.The Inspector of Police, DCB, Thoothukudi,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.OP(MD) No.15435 of 2026

R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
Crl.OP.(MD)No.15435 of 2026
and Crl.MP(MD) No.14988 of 2026

27.07.2026