



Crl.OP(MD) No.16498 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.08.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.16498 of 2026
and Crl.MP(MD) No.16003 of 2026

1. Selvan Jebaraj
2. Vanitha Jose
3. Sophia Rachel

... Petitioners

Vs

1. State of Tamilnadu Rep by
Inspector of Police,
District Crime Branch (DCB),
Thoothukudi..

2. Anil Mrangoly Thomas

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS., to set aside the order dated 22.07.2026 passed in M.P.No.40 of 2026 in C.C.No. 247 of 2023 on the file of the learned Judicial Magistrate No.IV, Thoothukudi and consequently permit the recall of PW1, PW2, PW3, PW9, PW10 and PW19 for the limited purpose of further cross examination in the interest of justice.

For Petitioner : Mr. J.Kingsly Solomon

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



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ORDER

The present petition has been filed by A1 to A3 in CC 247 of 2023 on the file of the learned Judicial Magistrate No.IV, Thoothukudi seeking to set aside the order passed in Crl.M.P.No.40 of 2026, wherein, the request of the petitioners to recall some of the prosecution witnesses has been rejected.

2.Perusal of the records reveal that the petitioners have been charged with offence under Sections 406 and 420 of IPC.

3.In this case, PW1 was chief examined on 30.07.2025 and his chief examination was completed on 19.08.2025; PW2 and PW3 were chief examined on 15.09.2025; PW 9 and PW 10 were chief examined on 27.01.2026; PW15 was chief examined on 17.02.2026 while PW19 was chief examined on 10.07.2026.

4.The present application has been filed in July, 2026 seeking to recall PW1, PW2, PW3, PW9, PW10, PW15 and PW19 for the purpose of cross examination.



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5.Perusal of the petition reveals that the petitioners could not collect the documents from Singapore in order to conduct the cross examination of the above said witnesses. This application has been dismissed by the trial Court on the ground that it has been belatedly filed and no proper reasons have been assigned for recalling the witnesses.

6.According to the learned counsel appearing for the petitioners, now they are in possession of all the documents that have been received from Singapore and they are ready to cross the examine the above said witnesses, provided, if an opportunity is granted to them. He further submits that the cross examination would be completed on the same day, on the date on which the witnesses appear and they would not drag on the proceedings.

7.Heard the learned counsel appearing for the petitioners and perused the materials available on record.

8.Considering the fact that the witnesses have been examined in 2025 and 2026 and the present application has been filed immediately, on the ground that they have received certain documents only now from abroad, this Court is inclined to allow the present application and pass the following order:



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- a) The impugned order in Crl.M.P. No. 40 of 2026 in C.C. No.247 of 2023, dated 22.07.2026 passed by the learned Judicial Magistrate No.IV, Thoothukudi is set aside and the petitioners shall be permitted to recall and cross examine PW1, PW2, PW3, PW9, PW10, PW15 and PW19;***
- b) the petitioners shall pay batta within a period of three days from the date of receipt of copy of this order;***
- c) the petitioners are directed to cross examine PW1, PW2, PW3, PW9, PW10, PW15 and PW19 on the date on which they appears and should not seek any adjournment;***
- d) no further indulgence would be shown to the petitioners for cross examination of PW1, PW2, PW3, PW9, PW10, PW15 and PW19, if they have not cross examined them on the date on which they appears.***

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

06.08.2026

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



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To

1.The Judicial Magistrate No.IV, Thoothukudi

2.The Inspector of Police,
District Crime Branch (DCB),
Thoothukudi.

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.16498 of 2026
and Crl.MP(MD) No.16003 of 2026

06.08.2026