



Crl.O.P.(MD)No.5337 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.5337 of 2025

and

Crl.M.P(MD) No.3849 of 2025

1. Maria Michael

2. Ayyadurai

.. Petitioners

Vs.

The Inspector of Police
Airport Police Station
Trichy

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned order passed in Cr.M.P.No.1093 of 2025 in C.C.No.2705 of 2019 dated 10.02.2025 on the file of the learned Judicial Magistrate No.VI, Trichy and set aside the same.

For Petitioners : Mr.S.Krishnan

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



Crl.O.P.(MD)No.5337 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside the order passed by the learned Judicial Magistrate No.VI, Trichy in Cr.M.P.No. 1093 of 2025 in C.C.No.2705 of 2019.

2. The learned counsel appearing for the petitioners would submit that these petitioner are accused in C.C.No.2705 of 2019 on the file of the learned Judicial Magistrate No.VI, Trichy. In this case already all the witnesses were cross examined. While so the earlier counsel who appeared for the petitioner has not cross examined P.W.1 to 3 and 7 effectively. Thereafter the petitioner filed petition after engaging another counsel for reopening the case to recall of P.W.1 to 3 and 7 for further cross examination and the same was dismissed. The learned trial Judge failed to consider that previous counsel has not effectively cross examined the witnesses and therefore inorder to elicit the truth and to ensure fair trial the recall of witnesses is absolutely necessary and to recall the witnesses to reopen the case is also essential, since the evidence of the prosecution was already closed. Therefore the order passed by the trial Court is set aside.



WEB COPY

3. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that already prosecution witnesses were elaborately cross examined on the side of the petitioner and only because of engaging another counsel they filed this petition after the case is posted for arguments. No any specific grounds raised and what are the materials points omitted have not been mentioned and without any reasons the petition was filed. Hence to reopen the case does not arise in this case. Therefore the trial Court through an well reasoned order dismissed the petition and hence the petition is liable to be dismissed.

4.Heard both sides and perused the materials available on record.

5. The contention of the petitioners is that P.Ws.1 to 3 and 7 have not been effectively cross examined by the petitioner side and now they want to cross examine the witnesses, thereby filed a petition to reopen the cae to recall of witnesses and the same was dismissed by the trial Court. According to the prosecution the above said witnesses were already elaborately cross examined by the counsel for the petitioners. Now because of change of counsel they filed this petition without any valid reason . This Court also perused the entire materials and the order passed



Crl.O.P.(MD)No.5337 of 2025

by the trial Court. It is admitted fact that witnesses were already cross examined by the petitioner side and in the petition they stated that in respect of motive the prosecution witnesses were not cross examined but already witnesses were elaborately cross examined and the trial Court also passed well reasoned order. The petitioner also failed to mention about what aspect the important questions were omitted . Therefore without any valid reason witnesses cannot be recalled, thereby reopen the case does not arise. Therefore in view of the above discussions this Court is of the opinion that this petition has no merits and deserves to be dismissed.

6. In the result, the Criminal Original Petition stands dismissed.
Consequently connected miscellaneous petition stands closed.

16.04.2025

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

aav

To

1. The Judicial Magistrate No.VI, Trichy

2. The Inspector of Police
Airport Police Station, Trichy

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4/5



WEB COPY



Crl.O.P.(MD)No.5337 of 2025

P.DHANABAL,J.

aaV

Crl.O.P.(MD)No.5337 of 2025

16.04.2025