



Crl.O.P(MD)No.6241 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.6241 of 2025

1. Alexpandian

2. Ibrahim Sha

3. Sornamani

... Petitioners

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Koodal Pudur Police Station,
In Crime No.484/2019.
Madurai City.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to set aside the impugned docket order passed in un-numbered Crl MP filed by the petitioner before the learned V Additional District and Sessions Judge, Madurai and direct the learned Trial Judge to take unnumbered recall petition on file and dispose the same in accordance with law in SC No.456 of 2019 on the file of learned V Additional District and Sessions Judge, Madurai.

For Petitioners : Mr.M.Chandra Sekaran

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the set aside the impugned docket order passed in un-numbered Crl.M.P petition filed by the petitioner before the learned V Additional District and Sessions Judge, Madurai and direct the learned Trial Judge to take unnumbered recall petition on file and dispose the same in accordance with law in SC No.456 of 2019 on the file of learned V Additional District and Sessions Judge, Madurai.

2. According to the petitioner, they are accused in SC No. 456 of 2019 on the file of learned V Additional District and Sessions Judge, Madurai. While so, the Petitioners have filed a petition to recall P.W.13 and the same was returned as it is not maintainable. The adjournment petition was filed to adjourn the case and this petition has been filed to recall P.W.13. Therefore, the Trial Court ought to have numbered the petition and passed order on that petition. Without numbering the petition, simply returned as not-maintainable. Hence, it is liable to set aside.



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3. On perusal of records, it is seen that the Petitioners have filed a petition before the trial Court to recall P.W.13 and without numbering the same, it was returned with an endorsement as

“The adjournment petition filed by the petitioners on 06.03.2025 was dismissed by this Court. As such the petitioners are not entitled to file this petition to recall the PW13 on the very same ground unless the order passed in the adjournment petition is challenged before the appropriate Court. Hence, this petition is returned as not maintainable.”

4. Since the trial Court dismissed the adjournment petition, it has refused to receive the recall petition and the same was returned as not maintainable. However, the Trial Court ought to have numbered the recall petition and pass appropriate orders in accordance with law. Unfortunately, the Trial Court has unnecessarily returned the petition as not maintainable.

5. In view of the above, the impugned order passed by the Trial Court is erroneous and the Trial Court is directed to number the application filed by the Petitioners to recall P.W.13, thereafter, pass



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appropriate orders on merits.

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6. With the above observations and directions, this Criminal
Original Petition is ordered.

04.04.2025

Internet : Yes

Index : Yes/No

NCC : Yes/No

PNM

To

1. The V Additional District and Sessions Judge, Madurai

2. The Inspector of Police,
Koodal Pudur Police Station,
In Crime No.484/2019.
Madurai City.

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



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P. DHANABAL, J.

PNM

ORDER IN
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