



Crl.O.P.(MD)No.14699 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14699 of 2025

Vengadachalam

... Petitioner/Accused

Vs.

State of Tamil Nadu represented by,
The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023 read with Section 482 of Criminal Procedure Code, to set aside the order passed by learned Sessions Judge, Mahila Court, Tiruchirappalli in Cr.M.P.No.1277 of 2025 dated 31.07.2025 and allow the re-open and recall petition to cross examine the PW.1, P.W.3, P.W.4, P.W. 7.

For Petitioner : Mr.K.Kannan

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 challenging the order passed by the learned Sessions Judge in Cr.M.P.No.1277 of 2025 dated 31.07.2025, by which, the learned Judge had dismissed the petition to reopen the case and recall the witnesses, P.W.1, P.W.3, P.W.4, P.W.7 and P.W.9 for cross-examination.

2. The learned counsel for the petitioner would submit that the petitioner is facing trial for the offence under Section 302 IPC; that the above witnesses have to be recalled and the petitioner has to elicit certain facts pursuant to the examination of D.W.1, who is the mother of the petitioner; that the evidence of D.W.1 reveals a new case, which has to be confronted with the witnesses, P.W.1, P.W.3, P.W.4, P.W.7 and P.W.9; and that the learned Magistrate erred in dismissing the petition for recall of those witnesses without giving any opportunity to the petitioner for further cross-examination.

3. The learned Additional Public Prosecutor per contra submitted that the aforesaid witnesses were earlier cross-examined by the defence; that the petitioner had later filed Crl.M.P.No.1556 of 2024 to recall P.W.3, P.W.4, P.W.7, P.W.9 and P.W.24 and the same was dismissed by the order dated 05.11.2024;



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that the petitioner had not challenged the said order and has filed this quash petition with an averment that D.W.1's evidence has afforded a change in circumstances for filing a fresh petition, which is not correct; and that the impugned order passed by the learned Judge is in accordance with law and prayed for dismissal of this petition.

4. The petitioner, who is facing prosecution under Section 302 IPC, had already cross-examined the witnesses, P.W.1, P.W.3, P.W.4, P.W.7 and P.W.9. In Crl.M.P.No.1556 of 2024, the petitioner sought for recall of P.W.3, P.W.4, P.W.7, P.W.9 and P.W.24. The learned Judge, by order dated 05.11.2024, had allowed recall of P.W.24 and dismissed the petition with regard to the recall of P.W.3, P.W.4, P.W.7 and P.W.9. The petitioner had not challenged the said order. He has now filed this petition for recall of the above witnesses mainly on the ground that D.W.1 had deposed in favour of the petitioner and that the above witnesses have to be recalled to confront them with regard to deposition of D.W.1. The learned Judge found that D.W.1 is the mother of the petitioner and the reason given by the petitioner that a new case was revealed from D.W.1's evidence cannot be accepted. This Court finds no infirmity in the said finding. Since the earlier dismissal order has not been challenged by the petitioner and the petitioner had already cross-examined all these witnesses, the present



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attempt by the petitioner is only to delay the trial. Therefore, the order passed by the learned Judge is justified and there is no reason to interfere with the same.

5. Accordingly, this Criminal Original Petition stands dismissed.

08.09.2025

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

To

- 1.The Sessions Court,
Mahila Court, Tiruchirappalli.
- 2.The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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