



Crl.O.P.(MD)No.14814 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14814 of 2025

1.Marimuthu

2.Palanivel

3.Dhanalakshmi

4.Indhumathi

... Petitioners/ Accused 1 to 4

Vs.

The State represented through,
The Inspector of Police,
Pulivalam Police Station,
Trichy District.
(Crime No.44/2019)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order dated 01.08.2025 made in Crl. MP.No.389 of 2025 in C.C.No.222 of 2019 on the file of the learned Judicial Magistrate, Thuraiyur and allow the above petition.

For Petitioners : Mr.M.Balamurugan

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 Judicial Magistrate, Thuraiyur in Crl.M.P.No.389 of 2025 in C.C.No.222 of 2019 dated 01.08.2025, dismissing the petitioners' application for recall of the witnesses, P.W.1 and P.W.9 for further cross-examination.

2. The petitioners had cross-examined P.W.1 and P.W.9 pursuant to an earlier application filed for recall of witnesses, which was allowed by the learned Magistrate as both the witnesses were examined in chief in the year 2024 admittedly. While so, the petitioners had filed the second recall petition stating that further cross examination is required.

3. The learned counsel for the petitioners would submit that one more opportunity may be given to the petitioners to recall examination of P.W.1 and P.W.9 and the impugned order refusing the permission is liable to be set aside.

4. The learned Additional Public Prosecutor per contra would submit that when P.W.1 and P.W.9 were examined in chief, the petitioners did not avail of the opportunity and had filed a recall petition, which was allowed earlier; that the petitioners had cross-examined the said witnesses, P.W.1 and P.W.9 on



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28.01.2025 and 27.05.2025 respectively; and that therefore, the present petition is only to delay the trial as the case is now posted for arguments.

5. It is seen from the records and the aforesaid submissions that the petitioners did not cross-examine the witnesses on the date of their chief examination; that their earlier application under Section 311 Cr.P.C was allowed; and that the petitioners had availed of the opportunity to cross-examine the witnesses. Further, the petition to recall for further cross-examination is vague and the petitioners have not spelt out the reason for the recall of the witnesses. The trial is at the advanced stage and is posted for arguments. Therefore, this Court is of the view that the present attempt by the petitioners is only to delay the proceedings. The impugned order passed by the learned Magistrate is in accordance with law and is confirmed.

6. Accordingly, this Criminal Original Petition stands dismissed.

09.09.2025

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



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To

1. The Judicial Magistrate Court,
Thuraiyur.
2. The Inspector of Police,
Pulivalam 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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