



Crl.O.P.(MD)No.15412 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15412 of 2025

1.Ganesan

2.Indira

... Petitioners/Accused

Vs.

The State of Tamilnadu represented By

The Inspector of Police,

Thalaiyuthu Police Station,

Tirunelveli District

Crime No.315 of 2013

... Respondents/Respondents

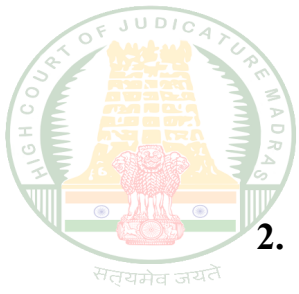
Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the dismissal order passed by the Judicial Magistrate No.III, Tirunelveli in Cr.M.P.No.3 of 2025 in C.C.NO.1156 of 2023 dated 09.06.2025.

For Petitioners : Mr.G.Karuppasamypandiyan

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

ORDER

This petition is filed to set aside the dismissal order passed by the Judicial Magistrate No.III, Tirunelveli in Cr.M.P.No.3 of 2025 in C.C.NO.1156 of 2023 dated 09.06.2025.



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2. It is seen from the records that the petitioner has already filed Cr.M.P.No.2 of 2025 under Section 311 Cr.P.C seeking to cross-examine P.W.1 to P.W.10. The said petition was partly allowed by the trial court vide order dated 10.03.2025 permitting to recall P.W.6, P.W.9 and P.W.10 for cross-examination and declining to recall P.W.1 to P.W.5 and P.W.7 for the reason that they were already cross-examined and if they are called for further cross-examination, it will cause delay in the trial.

3. Thereafter, the petitioner filed another petition in Cr.M.P. No.3 of 2025 seeking to recall P.W.1 to P.W.5 and P.W.7 for cross-examination. The trial court rightly held that the petitioner has already filed a petition under Section 311 Cr.P.C and the present petition is filed to recall the witnesses, when the earlier order dismissing the petition to recall the very same witnesses had become final.

4. On considering the above stated facts, this Court is of the view that there is no infirmity in the order passed by the trial court. In the absence of any change of circumstances, there cannot be another application for the very same prayer. Therefore, this petition is dismissed. If the petitioner is aggrieved by the earlier order, it is open to him to challenge the same in accordance with law.



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WEB COPY 5. With the above observation, this petition is dismissed.

17.09.2025

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

To
1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District
Crime No.315 of 2013

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



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SUNDER MOHAN, J.

CM

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