



Crl.O.P.(MD)No.22043 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.22030 of 2025

1.Ganesan

2.Soundarapandiyan

... Petitioners/Accused No.1&2

Vs.

The State of Tamil Nadu, Rep by,
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.70 of 2023)

... Respondent/Complainant

PRAYER : Petition filed under Section 528 of BNSS, 2023, to call for the records and set aside the order dated 06.11.2025 made in Cr.M.P.No.172 of 2025 in C.C.No.1 of 2024 on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

For Petitioner : Mr.R.Shenbagaraj

For Respondent : Mr.S.Ravi

Additional Public Prosecutor

ORDER

This petition has been filed to quash the order passed by the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Cr.M.P.No.172 of 2025 in C.C.No.1 of 2024, dated 06.11.2025.



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2. The learned counsel for the petitioner submitted that P.W.1 was examined in chief before the Trial court on 10.02.2025. However, the said witness was not cross examined on the same date due to the inadvertence of the petitioner's counsel and hence, the petitioner had made an application under Section 311 of Cr.P.C., to recall the said witness. However, the same came to be rejected on 06.11.2025 and the cross examination of the said witness is very vital for the proper conduct of the trial and hence, he seeks to allow this petition.

3. Mr.S.Ravi, the learned Additional Public Prosecutor, categorically contended that the petition need not be allowed since the same is filed only to protract the trial process and press for dismissal.

4. This Court carefully considered the submissions made on either side and perused the materials available on records.

5. However, considering the limited scope of the relief sought for, the impugned order passed by the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Cr.M.P.No.172 of 2025 in C.C.No.1 of 2024, dated 06.11.2025, is hereby, set aside and the Criminal Original Petition is allowed.



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6. The learned Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, is directed to permit the petitioner to recall P.W.1. However, the petitioner is directed to bear travel cost of the witness as fixed by the learned trial Judge and it is made clear that the petitioner will not further delay the trial by making any fresh applications and would conclude the cross examination on the same day of recalling.

02.12.2025

NCC : Yes / No
Index : Yes / No
dss

TO:-

1. The Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur
2. The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

dss

Order made in
Crl.O.P.(MD)No.22030 of 2025

Dated
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