



WEB COPY



Crl.O.P.No.2034 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2034 of 2026

Vallarasu

... Petitioner

Vs.

State represented by,
The Station House Officer,
Vikravandi Police Station,
Villupuram District.
(Crime No.351 of 2019)

... Respondent

For Petitioner : Mr. P.Nithyanandhan

For Respondent : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

According to the learned counsel appearing for the petitioner, the order dated 14.10.2025 passed by the trial Court in Crl.M.P.No.1960 of 2025 in C.C.No.125 of 2023 is put to challenge in this criminal original petition. However, according to him, the case number in which the order dated 14.10.2025 was passed has been wrongly stated as Crl.M.P.No.1690 of 2025 in two places namely, prayer portion and at the first and second paragraphs of the order dated 02.02.2026, vide which, this case was disposed of.

1/11



Crl.O.P.No.2034 of 2026

WEB COPY

2. In view of the above, this matter has been listed today under the caption “for being mentioned”.

3. At the outset, it is to be pointed out that a copy of the order dated 23.07.2025 was produced before this Court by the learned Government Advocate (Criminal Side) on 02.02.2023 and in the said order, the case number has been typed as Crl.M.P.No.1690 of 2025 and it is only based on this, the aforesaid mistake had occurred in the order dated 02.02.2026 passed by this Court.

4. Be that as it may, since it is now found that the case number has been erroneously stated in the order dated 23.07.2025 passed by the trial Court, the case number, namely Crl.M.P.No.1690 of 2025 found in the prayer portion and at the first and second paragraphs of the order dated 02.02.2026 shall stand substituted as **Crl.M.P.No.1960 of 2025**.

5. Registry is directed to carry out the aforesaid changes in the order dated 02.02.2026 and issue a fresh copy of the order forthwith.

17.02.2026

ham



Crl.O.P.No.2034 of 2026

To

WEB COPY

1. The District Munsif-cum-Judicial Magistrate,
Vikravandi.
2. The Station House Officer,
Vikravandi Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2034 of 2026

A.D.JAGADISH CHANDIRA, J.

ham

Crl.O.P.No.2034 of 2026

17.02.2026



WEB COPY



Crl.O.P.No.2034 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 2034 of 2026

Vallarasu

..Petitioner

Vs

State rep by
The Station House Officer,
Vikaravandi Police Station,
Villupuram District.
(Crime No.351 of 2019)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the order dated 14.10.2025 passed in Crl.M.P.No. 1690 of 2025 in C.C.No.125 of 2023 on the file of the learned District Munsif-cum-Judicial Magistrate, Vikravandi, set aside the same and consequently, permit the petitioners to recall and cross-examine P.W.1 to P.W.5.

For Petitioner : Mr.P. Nithyanandhan

For Respondent : Mr.S.Santhosh

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed to set aside the order dated 14.10.2025 passed in Crl.M.P.No. 1690 of 2025 in C.C.No.125 of 2023 on the file of the learned District Munsif-cum-Judicial Magistrate, Vikravandi and consequently, permit the petitioner to recall and cross-examine P.W-1 to



CrI.O.P.No.2034 of 2026

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner is the first accused, facing trial for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in C.C.No.125 of 2023 on the file of the learned District Munsif-cum-Judicial Magistrate, Vikaravandi. Further, L.W-1 to L.W-5 were examined in chief as P.W-1 to P.W-5 on 21.04.2025. Since the petitioner could not cross-examine them on the same day, he filed an application under Section 311 of Cr.P.C/Section 528 of BNSS, 2023, in CrI.M.P.No.1690 of 2025, seeking to recall P.W-1 to P.W-5 for the purpose of cross-examination and the said petition was allowed by order dated 23.07.2025 subject to payment of costs of Rs.500/- for each of the witnesses and process fee to be paid within three days. Since the process fee was not paid by the petitioner, the trial Court, by order of adjudication dated 14.10.2025, closed the evidence and also not issued summons to P.W-1 to P.W-5. Challenging the said order of adjudication dated 14.10.2025, the present Criminal Original Petition has been filed.

3. The learned counsel appearing for the petitioner further submitted that since the petitioner hails from a poor background, he could not raise the funds within the time frame fixed by the trial Court. However,

6/11



Crl.O.P.No.2034 of 2026

now, the petitioner has raised funds and is ready to deposit the same before the trial Court. When the petitioner attempted to pay the process fee and costs to the witnesses, the learned trial Judge had directed the petitioner to get appropriate orders from the High Court. He submitted that if sufficient time is granted to the petitioner, the conditional order will be complied with and the petitioner also undertakes that the witnesses will be cross-examined on the same day of their appearance before the trial Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that since the petitioner had not paid the process fee, the cross-examination of P.W-1 to P.W-5 was closed. Now, the case stands posted for cross-examination of L.W-7 to L.W-10 on 23.02.2026.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. Though there had been lapses on the part of the petitioner in not paying the costs to the witnesses and the process fee, this Court is of the view that the cross-examination of P.W-1 to P.W-5 is necessary for arriving at a just decision of the case and if the petitioner is not allowed to cross examine P.W-1 to P.W-5, it will cause serious prejudice to him. When this



Crl.O.P.No.2034 of 2026

Court enquired the respondent police as to whether the respondent police will be able to produce P.W-1 to P.W-5 for the purpose of cross-examination on a particular date fixed by the trial Court, the learned Government Advocate (Criminal Side) appearing for the respondent, on instructions from Mr.K.Kalaiyaran, HC 545, Vikravandi Police Station, submitted in the affirmative.

7. In view of the above, the impugned order of adjudication dated 14.10.2025 stands set aside. The petitioner is directed to pay a sum of Rs.1,000/- as costs to each of the witnesses and also pay the process fee before the trial Court within a period of one week from the date of receipt of a copy of this order. On payment of costs to the witnesses and the process fee, and on production of proof for the same, the learned trial Judge shall fix a date and summon P.W-1 to P.W-5 for cross-examination. The petitioner shall cross-examine them on the same day of their appearance before the trial Court. It is made clear that in the event of the petitioner failing to cross-examine P.W-1 to P.W-5 on the date fixed by the trial Judge, they will lose further opportunity of cross-examination.

8. With the above direction, this Criminal Original Petition stands disposed of.



Crl.O.P.No.2034 of 2026

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRM

Note: Issue order copy on 04.02.2026



WEB COPY



Crl.O.P.No.2034 of 2026

To

1. The District Munsif-cum-Judicial Magistrate,
Vikravandi,
2. The Station House Officer,
Vikaravandi Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2034 of 2026

A.D.JAGADISH CHANDIRA, J.

SRM

CRL OP No. 2034 of 2026

02-02-2026