



WEB COPY

Crl. O.P. No.2194 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

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

Crl. O.P. No.2194 of 2026

M.Kannan

..Petitioner

Vs

The State of Tamil Nadu represented by
The Station House Officer,
Vikaravandi Police Station,
Villupuram District.
Cr.No.838/2023

..Respondent

PRAYER Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for the records relating to the order dated 08-07-2025 made in Crl.MP.No.1738 of 2025 in Crl.M.P.No.2 of 2025 (CIS) in CC No.44 of 2024 on the file of the Court of the District Munsif-cum-Judicial Magistrate, Vikravandi, set aside the same and allow the CMP.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)



ORDER

The present Criminal Original Petition has been filed to call for the records relating to the order dated 08.07.2025 made in Crl.MP.No.1738 of 2025 in Crl.M.P.No.2 of 2025 (CIS) in CC No.44 of 2024 on the file of the Court of the District Munsif-cum-Judicial Magistrate, Vikravandi, and set aside the same.

2. The brief facts of the case are as follows :-

2.1. The petitioner is an accused facing trial in C.C.No.44 of 2024 before the learned District Munsif-cum-Judicial Magistrate, Vikravandi, for the offences punishable under Sections 279 and 30 4A of IPC in Crime No.838 of 2023, on the file of the respondent Police.

2.2. In the said case, the petitioner/accused filed a petition in Crl.M.P.No.1738 of 2025 in Crl.M.P.No.2 of 2025 (CIS) under Section 311 of Cr.P.C., seeking recall of the witness, PW-13. The learned Judicial Magistrate, finding that the petitioner was attempting to delay the pronouncement, dismissed the petition, vide order dated 08.07.2025. Aggrieved over the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that if the petitioner is not permitted to re-call and cross-examine PW-13, he will be put to



grave hardship.

4. Per contra, the learned Government Advocate (Criminal Side) submitted that the petition for recall was dismissed as early as on 08.07.2025 and further, NBW is also pending as against the petitioner. In such circumstances, he seeks dismissal of the petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the fact that NBW is pending against the petitioner, this Court is not inclined to allow this petition. Therefore, this Criminal Original Petition stands dismissed.

03-02-2026

Neutral Citation: Yes/No
MRN

To

1. The District Munsif-cum-Judicial Magistrate,
Vikravandi

2. The Station House Officer,
Vikaravandi Police Station,
Villupuram District.
Cr.No.838/2023

3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

MRN

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