



Crl. O.P. No. 4049 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

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

Crl. O.P. No. 4049 of 2026

and

Crl. M.P. No. 2806 of 2026

Suriyagandhi

... Petitioner

Vs.

The State Rep., by
The Inspector of Police,
Valavanur Police Station,
Villupuram District.
(Crime No. 1439 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the impugned order in Crl. M.P. No. 766 of 2025 in S.C. No. 138 of 2021 dated 15.04.2025 on the file of Court of Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram.

For Petitioner : Mr. R. Sankarasubbu

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



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ORDER

The present Criminal Original Petition has been filed seeking to set aside the impugned order in Crl. M.P. No. 766 of 2025 in S.C. No. 138 of 2021 dated 15.04.2025 on the file of the Court of the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram.

2. Learned counsel for the petitioner would submit that the petitioner is an accused facing trial for offences under Sections 302, 498A and 114 of IPC. The petitioner hails from a poor background and since she was not given proper legal advice, she was unable to cross-examine the witnesses, PW.1 to PW.12, on the day of their chief-examination.

3. He would further submit that though there were certain lapses on the part of the petitioner in not recalling the witnesses immediately after their chief-examination, the petitioner is now ready to pay the costs for securing the presence of the witnesses. The petitioner also undertakes to cross-examine the witnesses on the very same day of their appearance before the Court. He would further submit that considering the poor financial status of the petitioner, she may be permitted to recall and cross-examine the witnesses as otherwise, it would amount to denial of defence.



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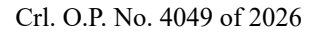
4. Learned Government Advocate (Crl.Side) would submit that PW.1 to PW.12 were examined on different dates. During October 2024, the petitioner filed a petition to recall the witnesses only when the case was posted for questioning under Section 313 Cr.P.C., and the trial Court, having rightly found that the petition had been filed belatedly, dismissed the application.

5. Heard both sides and perused the materials available on record.

6. Though the petitioner is facing trial for heinous offences under Sections 302, 498A, 114 of IPC and PW.1 to PW.12 are crucial witnesses, if they are not recalled and permitted to be cross-examined, it would amount to denial of defence. Hence, in the interest of justice, this Court is of the opinion that one opportunity may be granted to the petitioner to cross-examine them, subject to imposition of costs and conditions.

7. This Court directed the learned Government Advocate (Crl.Side) to enquire through the respondent-police whether the witnesses would be available for cross-examination. The learned Government Advocate (Crl.Side) on instructions from Mr. S. Kannan, Valavanur Police

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8. In view of the above, the impugned order dated 15.04.2025 in CrI.M.P.No.766 of 2025 in S.C.No.138 of 2021 stands set aside. The petitioner is directed to deposit Rs.500/- per witness for 12 witnesses, totalling Rs.6,000/-, before the trial Court within one week from the date of receipt of a copy of this order. On such deposit, the learned trial Judge shall fix a date for the appearance of witnesses PW.1 to PW.12 and it is made clear that the petitioner shall cross-examine the witnesses on the very same day of their appearance before the Court. In the event of the petitioner failing to cross-examine the witnesses on the day of their appearance, she would lose further chance of cross-examination. The trial Judge shall disburse Rs.500/- to each of the witnesses.

9. Accordingly, this Criminal Original Petition stands allowed.
Consequently, connected miscellaneous petition is closed.

18.02.2026

Index: Yes/No
Neutral Citation: Yes/No
AT

Note: Issue order copy on 19.02.2026



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To

1. The Inspector of Police,
Valavanur Police Station,
Villupuram District.

2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

AT

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