



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

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

CRL OP No. 4236 of 2026

Sabitha

..Petitioner(s)

Vs

The State Rep. by the Inspector of Police,
F-3 Nungambakkam Police Station, (Crime)
Chennai - 600 034.
(Crime No.263 of 2025)

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the order dated 03.02.2026 passed by the learned XIV Metropolitan Magistrate Court at Egmore, Chennai in Crl.M.P.No.957 of 2025 in C.C.No.1835 of 2025.

For Petitioner(s): Mr.S.Vijayaraghavan

For Respondent(s): Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 03.02.2026 passed by the learned XIV Metropolitan Magistrate Court at Egmore, Chennai in Crl.M.P.No.957 of 2025 in C.C.No.1835 of 2025.



2. The learned counsel for the petitioner submitted that the petitioner, who is a lady/ accused, is facing trial for the offences punishable under Sections 126(2), 296(b), 118(1) and 31(3) of BNS. He further submitted that certain material questions were not put to the prosecution witnesses during cross-examination. Though there were certain lapses on the part of the petitioner's counsel, unless the witnesses are recalled and the petitioner is permitted to further cross-examine them to elicit material particulars, it would result in serious prejudice to the defence. The petitioner had, therefore, filed an application before the trial Court seeking recall of the witnesses. However, the trial Court dismissed the said petition without properly appreciating the necessity for recall. Hence, the present petition has been filed seeking to set aside the same.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the trial Court, upon finding that a detailed cross-examination has already been conducted, rightly dismissed the petition. He further submitted that there is no illegality or infirmity in the order passed by the trial Court.

4. Heard the learned counsel on both sides and perused the materials available on record.



5. Though there were certain lapses on the part of the petitioner's counsel during the cross-examination, this Court is of the opinion that one more opportunity may be granted to the petitioner to further cross-examine the witnesses, subject to imposition of appropriate costs and conditions. On instructions from the Sub-Inspector of Police, T3, Nungambakkam Police Station, the learned Government Advocate (Crl.Side) submitted that the case stands posted on 04.03.2026 for further examination of witnesses and that the witnesses are residents of a nearby village and the respondent would be able to produce them before the trial Court.

6. The learned Magistrate has rightly dismissed the petition and this Court finds no infirmity in the said order. However, as stated above, this Court is of the considered view that in order to elicit certain material answers, the witnesses may be recalled, subject to imposition of appropriate costs and conditions.

7. Accordingly, this Criminal Original Petition is allowed and the order passed by the learned Metropolitan Magistrate No.XIV, Egmore, Chennai, in Crl.M.P.No.957 of 2025 in C.C.No.1835 of 2025, dated 03.02.2026, is set aside, on condition that the petitioner deposits a sum of **Rs.10,000/- (Rupees Ten Thousand only)** before the trial Court.



8. On such deposit made by the petitioner, the learned trial Judge shall recall PW1 and PW2 and fix a date for their cross-examination. It is made clear that the petitioner shall cross-examine the said witnesses on the very same day of their appearance. In the event of their failure to do so, they will lose the opportunity to cross-examine the witnesses.

9. The trial Court shall disburse a sum of Rs.5,000/- to each of the witnesses, namely PW1 and PW2, on the date of their appearance.

20-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vkrr

To

1.The XIV Metropolitan Magistrate, Egmore, Chennai.

2.The Inspector of Police,
F-3 Nungambakkam Police Station, (Crime)
Chennai - 600 034.

3.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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