



WEB COPY

CRL OP No. 4797 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

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

CRL OP No. 4797 of 2026
and Crl.M.P.No.3447 of 2026

Vikram Devendran

..Petitioner

Vs

Annamalai

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in M.P.No.6 of 2025, dated 22.01.2026 in S.T.C.No.707 of 2023, pending on the file of the Judicial Magistrate No.II, Villupuram.

For Petitioner : Ms.G.Gayathri

ORDER

The present Criminal Original Petition has been filed to set aside the order passed in M.P.No.6 of 2025, dated 22.01.2026 in S.T.C.No.707 of 2023, pending on the file of the Judicial Magistrate No.II, Villupuram.



2. The learned counsel appearing for the petitioner submitted that the petitioner has filed a petition under Section 311 Cr..P.C. to recall P.W-1/complainant for the purpose of filing counter statement. She further submitted that the petitioner has not cross-examined P.W-1. The trial Court finding that recall of P.W-1 is not necessary for filing a counter statement, had dismissed the petition. Thereagainst, the present petition has been filed.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. The prayer of the petitioner in M.P.No.6 of 2025 is extracted as under:

"For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to recall the respondent/complainant side evidence, reverse the petition in S.T.C.No.707 of 2023 for the purpose of filing counter statement on the side of the petitioner/accused, in the cases and pass such other orders as this Court may deem fit in the interest of justice".

5. Considering the aforesaid prayer of the petitioner and also considering the finding of the trial Judge that P.W-1 cannot be recalled for the purpose of filing counter statement on the side of the petitioner/accused, this



Court is of the opinion that the trial Judge has rightly dismissed the application and there is no infirmity or error in the order passed by the trial Judge.

Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRM

To

The Judicial Magistrate No.II,
Villupuram.



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A.D.JAGADISH CHANDIRA, J.

SRM

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