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CRL OP No. 5265 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5265 of 2026
and Crl.O.P. No.3987 of 2026**

1.Ranganathan
2.Rani
3.Murugan
4.Michael
5.Amirtham
6.Sivapriya
7.Vijayalakshmi

..Petitioner(s)

Vs

The State Rep by,
The Inspector of Police,
Ulundurpettai Police Station,
Kallakurichi District.
(Cr. No.625 of 2023)

..Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 528 of BNSS to call for the entire records pertaining to the impugned order dated 03.11.2025 made in Crl.M.P. No.13 of 2025 in C.C. No.39 of 2024 pending on the file of the learned Judicial Magistrate No.1, Ulundurpet, Kallakurichi and set aside the same and permit the petitioners to recall P.W.1 to P.W.3.



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For Petitioners:
For Respondent:

Mr.R.Sathishkumar

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to set aside the impugned order dated 03.11.2025 made in Crl.M.P. No.13 of 2025 in C.C. No.39 of 2024, pending on the file of the learned Judicial Magistrate No.I, Ulundurpet, Kallakurichi, and to set aside the same and consequently permit the petitioners to recall P.W.1 to P.W.3.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. The petitioners are the accused facing trial for the offences under Sections 147, 148, 294(b), 323, 324, 427 and 506(i) IPC in C.C. No.39 of 2024 before the learned Judicial Magistrate No.I, Ulundurpet, Kallakurichi. The contention of the petitioners is that since there are several accused in the case, they were not able to properly instruct their Counsel at the relevant time for the purpose of cross-examining the witnesses. As a result, effective cross-



examination could not be conducted. It is further submitted that P.W.1 to P.W.3 are residents of the same locality and are readily available, and therefore, denial of an opportunity to cross-examine them would amount to denial of the petitioners' fundamental right to a fair trial.

4. The learned Additional Public Prosecutor submitted that P.W.1 to P.W.3 were already examined and sufficient opportunities had been given to the accused to cross-examine the said witnesses. However, the accused failed to afford the opportunities and have been delaying and protracting the trial. Thereafter, the Trial Court dismissed the Application filed under Section 311 Cr.P.C.. He further submitted that there are only eight witnesses in the case and the trial has been pending for the past year without any progress due to the non-co-operation of the petitioners.

5. The learned counsel for the petitioners, on instructions, submitted that if an opportunity is granted, the witnesses will be cross-examined on the very same day of their appearance without seeking any adjournment, and therefore, in the interest of justice, the witnesses may be recalled.



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6. Considering the submissions made on either side, this Court is of the view that the evidence in a contested criminal trial would be complete only after the witnesses are subjected to cross-examination. Denial of such opportunity would amount to denial of a fair trial. In view of the above, the impugned order is set aside, and the Trial Court is directed to recall P.W.1 to P.W.3, subject to the condition that the petitioners shall pay costs of Rs.2,000/- each to the said witnesses. The petitioners shall either pay the amount directly to the witnesses or deposit a sum of Rs.6,000/- before the Trial Court to the credit of C.C. No.39 of 2024 within a period of two (2) weeks from the date of receipt of a copy of this order. It is made clear that no further extension of time or modification will be granted, and in the event of failure to comply with the above condition, this order shall automatically stand cancelled.

7. This Criminal Original Petition is allowed with the above directions. Consequently, connected Miscellaneous Petition is closed.

10-03-2026

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



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To

1. The Judicial Magistrate No.1, Ulundurpet, Kallakurichi.
2. The Inspector of Police,
Ulundurpettai Police Station,
Kallakurichi District.



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M.NIRMAL KUMAR, J.

RKP

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