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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6427 of 2026

and

CRL.MP.No.4737 of 2026

1. Monesh
2. Chandru
3. Sathish

Petitioner(s)

Vs

State Rep.by,
Inspector of Police,
Alangiyam Police Station,
Tiruppur District.
Crime No.604 of 2021.

Respondent(s)

PRAYER: Criminal original petition filed under Section 528 of BNSS to set aside the order made in CrI.M.P.No.3 of 2025 in SC.No.37 of 2022 dated 03.09.2025 passed by the learned III Additional District and Sessions Judge, Dharapuram.

For Petitioner(s): Mr.S.N.Arunkumar

For Respondent(s): Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor

**ORDER**

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This criminal original petition is filed to set aside the order dated 03.09.2025 made in CrI.M.P.No.3 of 2025 in SC.No.37 of 2022 passed by the learned III Additional District and Sessions Judge, Dharapuram.

2. The petitioners/accused 1 to 3 are facing trial for the offences under Sections 294(b), 302, 341, 342 r/w 34 IPC in S.C. No. 37 of 2022 and so far, 20 witnesses have been examined. At this stage, the prosecution filed a petition in CrI.M.P. No. 3 of 2025 seeking to recall P.W.13 Dr. Chandiramohan, Neurologist, who was working at Government Medical College Hospital, Coimbatore at the relevant point of time and one T Faisal Hussain, the Ambulance Driver for the reason that the injured was initially taken to Government Hospital, Dharapuram; that thereafter, he was transferred to Government Medical College Hospital, Coimbatore in the ambulance driven by the said T. Faisal Hussain, Ambulance Driver; that though the details were recorded in the Accident Register, but for some reason, the Accident Register was not marked and the said Faisal Hussain was not cited as a witness. The Investigating Officer was examined as P.W.20 and to him specific questions had been put by the Defence Counsel whether there were any blood stains found in the ambulance vehicle. In order to clear the doubt, a petition under Section 311



Cr.P.C. was filed by the prosecution to recall P.W.13 and to examine Faisal Hussain, the Ambulance Driver.

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3. The Trial Court finding reason and that the examination of the witnesses was not to fill up any lacuna but only for better appreciation of evidence; that the Doctor and the Ambulance Driver, being independent witnesses, having no allegiance either to the prosecution or to the accused, may be examined for better appreciation and it is always prudent in a criminal trial, that the best evidence is produced, allowed the said petition. Hence, the present criminal original petition.

4. Heard the learned counsel for the petitioners, learned Additional Public Prosecutor for the respondent and perused the materials on record.

5. This Court finds no reason to interfere with the order under challenge.

6. At this stage, the learned Additional Public Prosecutor submits that in this case, additional witness Faisal Hussain was examined as P.W.21 and the counsel for the accused has not chosen to cross-examine him. Now. P.W.13 alone has to be examined and further, the medical records concerned in this case have to be produced.

7. It will only be beneficial for both the prosecution and for the defence if those medical records are brought in and also, in the interest of justice, those records need to be produced.

**M. NIRMAL KUMAR,J.**

nv

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8. Learned counsel for the petitioners submitted that it would be appropriate if Doctor Harish Prabu, who had initially given first aid to the deceased at Government Hospital, Dharapuram, examined as P.W,12, is summoned for further cross-examination.

9. The Trial Court is directed to recall P.W.s 12 and 13 in this case for further examination and also give an opportunity to the petitioners/accused to cross-examine them.

10. The criminal original petition stands dismissed with the above direction. Connected miscellaneous petition is closed.

12-03-2026

Neutral Citation:Yes/No

nv

To

1.III Additional District and Sessions
Judge, Dharapuram.

2.The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.
Crime No.604 of 2021.

3.The Public Prosecutor
High Court, Madras.

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and
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