



Crl.OP(MD)No.3050 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.02.2026**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Crl.O.P.(MD).Nos.3050 of 2026**  
**and Crl.M.P(MD).No.3313 of 2026**

Mayandi

... Petitioner

**Vs.**

State of Tamil Nadu  
rep., by the Inspector of Police,  
Sattur Town Police Station,  
Virudhunagar District.  
Crime No.33 of 2016

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and to set aside the order dated 21.11.2025 passed in Cr.M.P.No.3289 of 2025 in S.C.No.85 of 2017 on the file of the learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur and direct the learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur to extend the time to deposit the cost of Rs.12,000/- for recall witnesses by allowing this criminal original petition.

For Petitioner : Mr.S.Maya Perumal



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For Respondent : Mr.S.Ravi

Additional Public Prosecutor

### **ORDER**

Seeking to set aside the order passed by the learned Additional District and Sessions Court at Srivilliputhur, in Cr.M.P.No.3289 of 2025 in S.C.No.85 of 2017 dated 21.11.2025, this criminal original petition is filed.

2.The petitioner submitted that the petitioner is the sole accused in S.C.No.85 of 2017 pending before the trial Court and he had filed an application under Section 348 of BNSS seeking to recall and cross-examine P.W.1, P.W.2, P.W.11 and P.W.12. The learned trial Judge had allowed the same with condition to pay a witness batta of Rs.3,000/- each, total amount of Rs.12,000/- on or before 10.12.2025, by order dated 21.11.2025. However, due to the lapse on the part of the petitioner in complying with the order, filing of this petition has become necessary. The learned counsel further pointed out that the petitioner is



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ready to comply the order passed by the trial Court and he is also prepared to cross-examine all the four witnesses in the same day and sought the indulgence of this Court.

3.The learned Additional Public Prosecutor categorically submitted that the petitioner is a habitual absconder and the same has been clearly observed by the learned trial Judge in the impugned order. In the case of the year 2017, the petitioner had absconded twice and PT warrant was issued and thereafter, he was produced and warrant was recalled. In the meanwhile, on 03.08.2022, P.W.2, P.W.3 and P.W.4 were examined. On 23.12.2022, the petitioner had discarded the lawyer appointed by the Legal Aid and had engaged his own advocate. P.W.5 was examined in chief on 02.02.2023, P.W.6 and P.W.7 were examined on 10.07.2023, P.W.8 was examined on 29.08.2023, P.W.9 was examined on 21.09.2023, P.W.10 was examined on 05.10.2023, P.W.11 was examined on 09.11.2023 and PW12 was examined on 30.09.2024. Thereafter, the petitioner's advocate had filed an application under Section 311 of Cr.P.C., and the same was allowed.



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Thereafter a period of 10 months, L.W.6 (died) and L.W.20 were cross examined. Even thereafter, the petitioner, without opting to take any necessary steps to recall the witnesses, had filed a petition under Section 348 BNSS in a belated manner. Despite the same, the learned trial Court had condoned the delay and had gracefully ensuring fair trial allowed the same by requiring the petitioner to pay a witness batta of Rs.3000/- to each of the four witnesses. Having not heeded to the said order, the petitioner had come before this Court, after a period of almost two months from the date of the impugned order and hence, this criminal original petition should necessarily be dismissed.

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

5.As rightly contended by the learned Additional Public Prosecutor, I don't find any merits in the impugned order passed by the learned trial Court. The trial Court had elaborately recorded the manner



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in which the trial has been protracted by the petitioner herein and even thereafter, the learned trial Court had given an opportunity for recalling and cross-examine the witnesses, which was not utilized by the petitioner. Hence, I am of the considered view that there is no necessity for this Court to give any direction to the learned trial Court to permit the petitioner to further recall and cross-examine P.W.1, P.W.2, P.W.11 and P.W.12. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

**13.02.2026**

NCC : Yes / No  
Index : Yes / No  
*Rmk*

To

- 1.The Additional District and Sessions Court,  
Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,  
Sattur Town Police Station,  
Virudhunagar District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

*Rmk*

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