



CrI.O.P.(MD)No.1155 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.01.2026**

CORAM:

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

CrI.O.P.(MD)No.1155 of 2026
& CrI.M.P.(MD)No.1212 of 2026

Thulasiraja

... Petitioner

Vs.

State of Tamil Nadu Represented through
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to call for the records pertaining to the impugned order passed in CrI.M.P. No. 57 of 2025 in S.C. No. 81 of 2021 on the file of the Learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur and set-aside the same and allow the direction petition.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.S.Ravi

Additional Public Prosecutor



Crl.O.P.(MD)No.1155 of 2026

ORDER

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The petitioner seeks to set aside the order dated 22.08.2025 passed in Crl.M.P. No. 57 of 2025 in S.C. No. 81 of 2021 on the file of the Learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur.

2. The learned counsel for the petitioner submitted that the petitioner was the second accused in S.C. No. 81 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur. He further submitted that the petitioner had filed a petition under Section 348 of the BNSS, 2023, seeking to recall PW1 to PW3 and PW5, stating that he had engaged a new counsel and sought cross-examination of the said witnesses. However, the trial Court rejected the petitioner's request, and therefore, he seeks the indulgence of this Court.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the submission made by the learned counsel for the petitioner is incorrect. In fact, the application under Section 348 of BNSS, 2023 was filed only because the petitioner's counsel had failed to appear before the trial Court for the cross-examination of P.W.1 to P.W.3 and



CrI.O.P.(MD)No.1155 of 2026

P.W.5, as he had to attend another case in this Court. The trial Court had rejected the petitioner's claim and dismissed the application. There is no infirmity in the order, and the learned Additional Public Prosecutor sought dismissal of this petition.

4. Heard the learned counsel on either side and carefully perused the materials placed on records.

5. As pointed out by the learned Additional Public Prosecutor, the submission made by the petitioner is different from what they have pleaded before the trial Court. It is found that PW1 & PW2 were examined 21.02.2024, and PW3 on 28.02.2024, and finally, PW 5 on 18.03.2024. For the reasons best known to the petitioner, the cross examination was not conducted on the petitioner's side. Without accepting the petitioner's explanation for the non-conduct of cross-examination, the trial Court dismissed the application to recall the said witnesses.

6. However, the learned counsel appearing for the petitioner submitted that the trial should be reopened in the interest of ensuring a fair trial.



Crl.O.P.(MD)No.1155 of 2026

7. Accordingly, the order dated 22.08.2025 passed in Crl.M.P. No. 57 of 2025 in S.C. No. 81 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur, is set aside. The trial Court is directed to fix a specific date for recalling and cross-examining P.W.1 to P.W.3 and P.W.5 in a single slot. No further time shall be permitted to the petitioner for cross-examination of the said witnesses. The petitioner is directed to pay a witness batta of Rs. 2,500/- (Rupees Two Thousand Five Hundred only) to each of the witnesses. The petitioner is further directed to pay a cost of Rs. 5,000/- (Rupees Five Thousand only) to the credit of the District Legal Services Authority, Virudhunagar.

8. In fine, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

22.01.2026

NCC : Yes / No
Index : Yes / No
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Crl.O.P.(MD)No.1155 of 2026

TO:-

WEB COPY

1. The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
- 2.The Sessions Judge, Fast Track Mahila Court, Srivilliputhur .
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.1155 of 2026

L.VICTORIA GOWRI, J.

Sm

Order made in
CrI.O.P.(MD)No.1155 of 2026

Dated
22.01.2026