



Crl.O.P(MD)No.1467 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1467 of 2026

and

Crl.M.P(MD)No.1600 of 2026

1.Sasikala
2.Ananthakumar
3.Rajagopal
4.Annapoorani

... Petitioners/Petitioners/
Petitioners

Vs.

The State of Tamil Nadu,
Rep.by Inspector of Police,
Aravayal Police Station,
Aravayal,
Sivagangai District.

... Respondent/Respondent /
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set Aside the order passed by the Learned Judicial Magistrate, Devakottai in Crl.M.P.No.2334 of 2023 dated 29.10.2025 in C.C.No. 105 of 2018.

For Petitioner : Mr.R.Senthil Kumar



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For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

Seeking to set aside the order in Crl.M.P.No.2334 of 2023 dated 29.10.2025 in C.C.No.105 of 2018 by the Learned Judicial Magistrate, Devakottai, this criminal original petition is filed.

2. The learned counsel for the petitioners submitted that the petitioners are the accused in the pending C.C.No.105 of 2018 and they have filed an application under Section 311 Cr.P.C seeking permission to cross examine P.W.2. However, the trial Court had dismissed the same and sought the indulgence of this Court.

3. The learned Government Advocate (Crl. Side) submitted that at the time of chief examination, the witness was cross-examined. Subsequently, a petition for recall was filed and the same was allowed. Thereafter, further cross examination was conducted. Now, the petitioners have again filed a petition to recall the witness without



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assigning any specific reasons. Therefore, the trial Court had rightly dismissed the application filed by the petitioners under Section 311 Cr.P.C. There is no infirmity in the order passed by the learned trial Court and sought for dismissal of the criminal original petition.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. For the purpose of ensuring fair trial, the impugned order is hereby set aside subject to the condition that the petitioners should pay a cost of Rs.5000/- to the District Legal Services Authority, Sivagangai District. The petitioners are further directed to recall and cross examine P.W.2 on a particular day fixed by the learned trial Court on payment of batta as directed by the learned trial Court and conclude the same on the same day. It is made clear that the learned trial Court need not permit any adjournment if sought for by the petitioners herein. If the amount is not paid by the petitioners, this order will automatically stand vacated.



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6. With the above directions, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

27.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The I Judicial Magistrate,
Devakottai.
- 2.The Inspector of Police,
Aravayal Police Station,
Aravayal,
Sivagangai District.
- 3.The District Legal Services Authority,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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