



Crl.O.P(MD)No.1306 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1306 of 2026

and

Crl.M.P(MD)No.1374 of 2026

Sadaiyandi

... Petitioner/Petitioner/A1

Vs.

State Rep by.,
The Inspector of Police,
Town South Police Station,
Dindigul District.
(Crime No.83 of 2016)

... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order dated 08.01.2026 passed in M.P.No.6 of 2026 in C.C.No.81 of 2017 on the file of the Judicial Magistrate No.III, Dindigul.

For Petitioner : Mr.S.Pandeeswaran

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

Seeking to set aside the order passed by the learned Judicial Magistrate No.III, Dindigul in M.P.No.6 of 2026 in C.C.No.81 of 2017 dated 08.01.2026, this Criminal Original Petition is filed.

2. The learned counsel for the petitioner submitted that the petitioner is the 1st accused in the pending C.C.No.81 of 2017 before the learned trial Court. He had filed an application under Section 348 of BNSS to recall P.W.1 to P.W.6. However, the same was dismissed. Hence, this petition.

3. The learned Additional Public Prosecutor submitted that there is no infirmity in the order passed by the learned Judicial Magistrate. When the case was posted for the defense side evidence, in the fag end of the defense, in a case which is 8 years old, without any proper reason, this petition was filed by the petitioner and hence, it was dismissed. He sought for dismissal of this criminal original petition.



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

5. A careful reading of the impugned order would reveal that on the date of examination of P.W.1 to P.W.6, sufficient opportunity was given to the accused, who is the petitioner herein to raise his defense and to cross examine the witness on completion of chief examination itself. However, not even a single witness was cross examined by the defense side. P.W.6 who is the Investigation Officer was examined on 15.12.2025, prior to that P.W.5 was examined on 13.10.2025. Even during the interregnum, the petitioner herein never took any steps to recall P.W.1 to P.W.5 and without availing the opportunity, by the time of closure of the trial, the petitioner has filed this petition only to protract the proceedings and hence, the trial Court had dismissed the petitioner's application. However, the learned counsel for the petitioner insisted that the order need to be set aside for the ends of fair trial.



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6. Accordingly, the order in M.P.No.6 of 2026 in C.C.No.81 of 2017 on the file of the Judicial Magistrate No.III, Dindigul is set aside on payment of batta of Rs.2,500/- to each of the witnesses and to pay an amount of Rs.5,000/- (Rupees Five Thousand only) to the District Legal Services Authority, Dindigul. The learned trial Court is directed to fix two days for the purpose of giving opportunity to the petitioner to cross examine the aforesaid witnesses. It is made clear that the petitioner should not be given with any further time for the same. If he is seeking further time, the trial Court is directed to close the trial without extending any further time.

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

23.01.2026

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



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To

- 1.The Inspector of Police,
Town South Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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23.01.2026