



CrI.O.P.(MD)No.1627 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.01.2026**

CORAM:

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

CrI.O.P.(MD)No.1627 of 2026
& CrI.M.P.(MD)No.1784 of 2026

Venkatesaperumal

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Villoor Police Station,
Madurai District.
Crime No.65 of 2017

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records and set aside the order passed in Cr.M.P.No.895 of 2025 in SC No.623 of 2017 dated 16.10.2025 on the file of the learned V Additional District and Sessions Court, Madurai.

For Petitioner : Mr.A.Arputharaj

For Respondent : Mr.S.Ravi

Additional Public Prosecutor



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ORDER

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The petition has been filed seeking to set aside the order passed in Cr.M.P.No.895 of 2025 in SC No.623 of 2017 dated 16.10.2025 on the file of the learned V Additional District and Sessions Court, Madurai.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the sole accused in S.C. No.623 of 2017, pending on the file of the learned V Additional District and Sessions Court, Madurai. It was further submitted that the petitioner had filed a petition under Section 311 Cr.P.C. seeking to recall P.W.14 for cross-examination. However, the said petition came to be dismissed by the trial Court. Aggrieved by the dismissal of the said petition, the petitioner has filed the present petition seeking to set aside the impugned order.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that, on the day when P.W.14 was examined in chief and was present before the Court for cross-examination, the petitioner had wantonly refused to cross-examine the said witness. It was further submitted that the reasons now put forth by the petitioner for recalling P.W.14 are not bona fide and were rightly rejected by the trial Court. Hence, there is no



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infirmity or illegality in the order dated 16.10.2025 passed by the trial Court dismissing the petition filed under Section 311 Cr.P.C., and therefore, the present petition is liable to be dismissed.

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

5. A careful perusal of the order dated 16.10.2025 makes it clear that the case in S.C. No.623 of 2017 relates to an offence of murder. On 09.12.2014, P.W.14, who is none other than the Inspector of Police then working at Theni, was examined before the trial Court. It is seen from the records that, despite the availability of the said witness for cross-examination, the petitioner wantonly failed to cross-examine P.W.14 on the ground that his petition seeking recall of P.W.11 was pending and, therefore, he was not inclined to proceed with the cross-examination of P.W.14. The trial Court, finding that the reason assigned by the petitioner was wholly extraneous and not germane to the scope of Section 311 Cr.P.C., dismissed the said petition.

6. In view of the aforesaid observations, I don't find any infirmity in the order dated 16.10.2025 passed by the trial Court. However, to ensure the ends



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of a fair trial, this Court is inclined to grant one final opportunity to the petitioner, subject to the condition that the petitioner pays a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the District Legal Services Authority, Madurai. Upon such payment, the petitioner shall be permitted to cross-examine P.W.14, subject to payment of batta as may be fixed by the trial Court.

7. The order passed in Cr.M.P. No.895 of 2025 in S.C. No.623 of 2017 dated 16.10.2025, on the file of the learned V Additional District and Sessions Court, Madurai, is set aside on the above terms. It is made clear that the trial Court shall ensure that the cross-examination of P.W.14 is completed on the very same day, in a single stretch, and no further adjournment or opportunity shall be granted to the petitioner for the said purpose.

7. In fine, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

29.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Inspector of Police,
Villoor Police Station,
Madurai District.
2. V Additional District and Sessions Court, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
CrI.O.P.(MD)No.1627 of 2026

Dated
29.01.2026