



Crl.O.P(MD)No.1635 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1635 of 2026

and

Crl.M.P(MD)No.1794 of 2026

1.Abdul Rashid

2.Sithi Sulaiga

... Petitioners/A3 & A4

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Q-Branch CID,
Ramanathapuram.
(Crime No.2/2021)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the orders passed in Crl.M.P.No. 28 of 2026 in S.C.No.190 of 2023 on the file of the Learned Principal District and Sessions Judge, Ramanathapuram dated 19.01.2026 and set aside the same and to direct the learned trial Judge to permit the petitioners to recall P.W.27 and P.W.28 for cross-examination within a time frame as fixed by this Court.



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For Petitioners : Mr.Ananda Padmanabhan
Senior Counsel
for M/s.APN Law Associates

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

ORDER

Seeking to set aside the impugned order passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No. 28 of 2026 in S.C.No.190 of 2023, dated 19.01.2026, this criminal original petition is filed.

2. The learned Senior Counsel appearing for the petitioners who are the Accused Nos.3 and 4 submitted that Crl.M.P.No.28 of 2026 was filed by the petitioners herein under Section 311 of the Cr.P.C / Section 348 of BNSS seeking to recall and re-examine P.W.27 and P.W.28 on the side of the petitioners herein. However, the same came to be dismissed by the learned Trial Court and hence, sought for indulgence of this Court.



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3. Per contra, the learned Additional Public Prosecutor categorically submitted that there is no infirmity in the order passed by the Trial Court and the petitioners had failed to avail the opportunity given by the learned Trial Court for cross examining P.W.27 and P.W. 28. He also pointed out that for two days, they were cross-examined by the other accused. Albeit the petitioners failed to cross-examine them. Hence, he sought for dismissal of this criminal original petition.

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

5. A careful reading of the impugned order would reveal that the learned Senior Counsel appearing for the petitioners already examined the other material witnesses through video conferencing from Madurai. Since the learned Senior Counsel himself submitted before this Court that only P.W.27 and P.W.28 were examined on 05.12.2025, 18.12.2025 and 05.01.2026 and 06.01.2026. However, after being cross examined by the other accused, on the turn of the petitioners



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unfortunately, the learned Senior Counsel was not able to get connected virtually due to certain network problem and only because of the same, he was not able to appear from Madurai. Though the learned Additional Public Prosecutor submitted that already this Court has passed an order in Crl.O.P(MD)No.3881 of 2024, dated 12.03.2024 to conclude the trial as expeditiously as possible within a period of three months from 12.03.2024, the Trial Court was not able to conclude and later that was further extended by this Court for another period of three months and the same would expire on 31.01.2026 and hence, only to comply the same, the Trial Court has passed the impugned order.

6. However to ensure fair trial to the petitioners who are accused and considering the fact that the case is posted for defence side arguments, the learned Trial Court is directed to fix any date for the purpose of recalling the P.W.27 and P.W.28 and permit the petitioners to cross-examine P.W.27 and P.W.28 within 06.02.2026. It is made clear that no further adjournments or time would be given by the learned Trial Court to the petitioners for cross-examining P.W.27 and



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P.W.28. The petitioners should cross-examine the aforesaid witnesses on the particular day as to be fixed by the learned Trial Court and conclude the cross-examination on the same day. No further extension of time would be granted in this regard. However, the petitioners are directed to deposit the cost of Rs.10,000/- each to the District Legal Services Authority, Ramanathapuram District.

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

28.01.2026

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

Note : Issue order copy on 29.01.2026.
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To

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Inspector of Police,
Q-Branch CID,
Ramanathapuram.



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L.VICTORIA GOWRI, J.

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3.The District Legal Services Authority,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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