



Crl.O.P(MD).No.2946 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.01.2026

CORAM

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

CRL OP(MD). No.2946 of 2024
and Crl.M.P(MD).No.2309 of 2024

K.Velu

... Petitioner

Vs

Bhuvaneshwari

... Respondent

PRAYER :-Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order passed by the learned Fast Track Court, Karaikudi, in Crl.M.P.No.3139 of 2023 in C.C.No.36 of 2021 dated 09.11.2023 and set aside the same.

For Petitioners : Mr.A.Banumathy
For R1 : Mr.K.R.Manimaran

ORDER

Seeking to set aside the impugned order passed by the learned Judge, Fast Track Court, Karaikudi, in Crl.M.P.No.3139 of 2023 in C.C.No.36 of 2021 dated 09.11.2023, this criminal original petition is filed.



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2.The learned counsel for the petitioner submitted that the petitioner is the defacto complainant before the learned trial Court. He had filed an application under Section 311 Cr.P.C., to recall P.W.1 and re-examine him. However, the learned trial Court had dismissed the same and hence, sought for the indulgence of this Court.

3.Per contra, the learned counsel for the respondent submitted that the reason put forth by the petitioner before the learned trial Court seeking to recall P.W.1, was not reasonable and only on that premise, the learned trial Court had dismissed the same and hence, there is no infirmity in the same and sought for dismissal of this petition.

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

5.A plain reading of the impugned order makes it clear that when the case before the learned Trial Court was posted for arguments on both sides, an application under Section 311 Cr.P.C. was filed by the defacto



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complainant at the stage of arguments, seeking to recall P.W.1 and since the trial has been concluded, the learned trial Court has come to a conclusion that recalling of P.W.1 will not be permissible. It is also observed by the trial Court that the petitioner had earlier filed Cr.M.P.No.701 of 2023 seeking to recall P.W.1 and the same was allowed and even thereafter, P.W.1 did not turn up to be re-examined and only thereafter, on 03.05.2020, the trial was closed. Since the defacto complainant had failed to avail such an opportunity given by the learned trial Court, the learned trial Court had negated the petitioner's application. I do not find any infirmity in the same. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

29.01.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Rmk

To

1.The Fast Track Court, Karaikudi.

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

3/5



Madurai.

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L.VICTORIA GOWRI,J

Rmk

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Date : 29/01/2026