



Crl.OP(MD)No.3023 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.3023 of 2026
and Crl.M.P(MD).No.3272 of 2026

1.Saikumar
2.Pandi
3.Marimuthu
4.Ananth
5.Duraiarasan
6.Selvaraj

... Petitioners

Vs.

The State of Tamil Nadu
rep., by The Inspector of Police,
Karimedu Police Station,
Karimedu Madurai City.
Crime No.1150 of 2021

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the order passed by the learned Additional Chief Judicial Magistrate Court, Madurai, in Cr.M.P.No.8179 of 2025 in S.C.No.447 of 2022 dated 21.01.2026 and set aside hte same by allowing this original petition.



Crl.OP(MD)No.3023 of 2026

For Petitioners : Mr.M.Kannan
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking to set aside the impugned order passed by the learned Chief Judicial Magistrate, Madurai, in Crl.M.P.No.8179 of 2025 in S.C.No.447 of 2022 dated 21.01.2026, this criminal original petition is filed.

2.The learned counsel for the petitioners submitted that the petitioners are the accused in the pending S.C.No.447 of 2022 before the learned trial Court, in which, they have filed a petition under Section 311 of Cr.P.C., seeking permission of the Court to recall and cross-examination of P.W.1, P.W.4 and P.W.11. The learned trial Court had allowed the said petition by order dated 21.01.2026 with certain conditions. However, the petitioners were not able to complete the same within the mandated time permitted by the learned trial Court. In this regard, the petitioners filed a petition before the learned trial Court for



Crl.OP(MD)No.3023 of 2026

extension of time, which was returned by the learned trial Court for filing the same with the proper provision and sought for the indulgence of this Court. He further submitted that the case is one under Section 307 IPC, for which, it is necessary for the fair ends of trial and that the petitioner should cross-examine the said witnesses. In this regard, the petitioners will not cause any further delay in the pending trial and sought a day time for recalling and cross-examining the aforesaid witnesses.

3.The learned Additional Public Prosecutor appearing for the respondent categorically contended that the case is posted for arguments today (i.e., 13.02.2026) and in failure to argue, the matter will be posted for judgment and hence, in the eleventh hour, the petitioners' application before this Court should be outrightly rejected.

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



Crl.OP(MD)No.3023 of 2026

WEB COPY

5.Considering the fact that the right of fair trial is guaranteed by our Constitution, this Court without modifying the lower Court order, has passed the following directions:

(i)the petitioners is directed to forthwith comply the order passed by the learned trial Court by today i.e., on 13.02.2026 itself before 04.45 pm., and file a memo in this regard before the trial Court;

(ii)On receipt of such a memo, the learned Additional Chief Judicial Magistrate may permit the petitioners to recall and cross-examine P.W.1, P.W.4 and P.W.11 on 16.02.2026 itself;

(iii),It is made clear that the petitioners will conclude the cross-examination on the same day and no further time would be permitted;

(iv)The respondent Police is directed to bring the witnesses on the same day facilitating the cross-examination by the petitioners.

(v)The petitioners are also directed to pay a sum of Rs.5,000/- each for establishing an E-Library to the credit of the MBHAA, in Indian Bank, Madurai Bench of Madras High Court Branch, Account No.496038755 IFSC No.IDIB000H040, MICR Code: 625019020.



Crl.OP(MD)No.3023 of 2026

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

13.02.2026

NCC : Yes / No

Index : Yes / No

Rmk

NOTE : Issue order copy on 13.02.2026

To

1. The Additional Chief Judicial Magistrate Court, Madurai.

2. The Inspector of Police,
Karimedu Police Station,
Karimedu Madurai City.

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



WEB COPY



Crl.OP(MD)No.3023 of 2026

L.VICTORIA GOWRI, J.

Rmk

CRL OP(MD)No.3023 of 2026

13.02.2026