



CRL OP(MD). No.3385 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3385 of 2026

Vijayan

... Petitioner / Petitioner / Accused No.1

Vs

The State represented by
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

(Crime No.222 of 2017) ... Respondent / Respondent / Complainant

PRAYER :-

To set aside the order passed by the Learned Judicial Magistrate No.I, Sivakasi in Cr.M.P.No.2/2025, in C.C.No.26/2022 by order dated 17.11.2025 by allowing this criminal original petition and to permit the petitioner / accused to recall P.W.1 for the purpose of cross examination.

For Petitioner : Mr.P.Venkatesan

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to set aside the order passed by the Learned Judicial Magistrate No.I, Sivakasi in Cr.M.P.No.



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2/2025, in C.C.No.26/2022 by order dated 17.11.2025 by allowing this criminal original petition and to permit the petitioner / accused to recall P.W.1 for the purpose of cross examination.

2. Learned counsel for the petitioner submitted that the petitioner is the first accused in the case in C.C.No.26 of 2022 before the trial Court. The petitioner along with other two accused persons has filed a petition under Section 311 CrPC to recall PW 1 to PW 4 for cross examination. However the same was dismissed by the learned trial Court and hence sought for the indulgence of this Court.

3. The learned Additional Public Prosecutor submitted that there is no infirmity in the order passed by the learned trial Court. Already a similar petition was filed under Section 311 of Cr.P.C., in Cr.M.P.No.1 of 2025 and the same was dismissed on 25.05.2025. However, the same was not challenged by the petitioner. Having not done so, now when the case is posted for questioning under Section 313 of Cr.P.C., before the learned trial court, the petitioner filed the second petition under Section 311 Cr.P.C to recall PW.1 to P.W.4 for cross examination. Since the



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petition has been filed after the completion of the 313 questioning, learned trial Court has rightly dismissed the petition and there is no infirmity and sought for dismissal of the Criminal Original Petition.

4. Heard either sides and perused the materials available on records.

5. It is needless to state that the petitioner who is the first accused in the case, filed the petition under Section 311 of Cr.P.C., to recall the witnesses P.W.1 to P.W.4, at the fag end of the case, only to protract the proceedings. I do not find any infirmity in the order passed by the learned Trial Court.

6. Accordingly, this Criminal Original Petition is dismissed.

18.02.2026

NCC : Yes/No
Index : Yes / No

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L. VICTORIA GOWRI,J

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To

- 1.The Judicial Magistrate No.I, Sivakasi.
- 2.The Inspector of Police, Maraneri Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3385 of 2026

Date : 18/02/2026