



Crl.O.P.(MD).No.4736 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.4736 of 2026

Gowtham

...Petitioner

Vs

1.The State of Tamilnadu Rep. By its,
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(Crime No.605 of 2018)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the order in Crl.M.P.No.3144 of 2025 in S.C.No.543 of 2019 dated 31.10.2025 on the file of the learned Additional Chief Judicial Magistrate, Madurai, and set aside the same.

For Petitioners : Mr. Ak.Azagar Sami

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed seeking to set aside the order in Crl.M.P.No.3144 of 2025 in S.C.No.543 of 2019 dated 31.10.2025 on the file of the learned Additional Chief Judicial Magistrate, Madurai, wherein the application filed by the petitioner under section 311 of Cr.P.C., for cross examining P.W.1 to P.W.7 has been rejected.

2.Perusal of the order reveals that P.W.1 to P.W.3, who were eye witnesses, were examined on 10.03.2025, P.W.4 was examined on 01.04.2025, P.W.5 was examined on 09.06.2025 and P.W.6 and P.W.7 were examined on 17.07.2025. When the case was posted on 19.07.2025 for questioning under Section 313 Cr.P.C., an applicaton under Section 311 of Cr.P.C., for cross examination of P.W.1 to P.W.7 has been filed in Crl.M.P.No.3144 of 2025, before the learned Additional Chief Judicial Magistrate, Madurai. The learned Additional Chief Judicial Magistrate, Madurai, by order dated 31.10.2025, dismissed the said application. Hence, the present petition has been filed.

3.According to the learned counsel appearing for the petitioner, due to the non-availability of the senior counsel for the accused persons, the cross-examination could not be conducted on the relevant dates. Therefore, the



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application came to be filed. However, the said request was rejected by the trial Court primarily on the ground that, when the examination had been spread over for nearly four months, the counsel appearing for the accused persons had not chosen to cross-examine the witnesses without assigning any reasons whatsoever. In fact, when P.W.1 to P.W.4 were examined, it was recorded that there was no cross-examination as on that date. On the basis of the said observations, the trial Court proceeded to dismiss the application. Challenging the same, the present petition has been filed.

4. According to the learned counsel appearing for the petitioner, one more opportunity may be granted to the accused persons to cross-examine the witnesses, at least P.W.1 to P.W.3, who are eye-witnesses in this case.

5. Heard the learned counsel on either sides and perused the materials available on records.

6. Considering the above said facts, the petitioner is permitted to complete the cross examination of P.W.1 to P.W.3 on a single day. It is made clear that no further opportunity shall be granted to the accused persons. The request of the petitioner to cross examine P.W.4 to P.W.7 stands rejected.



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7. With the above said directions, this Criminal Original Petition stands partly allowed.

04.03.2026

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

To

1. The learned Additional Chief Judicial Magistrate,
Madurai.
2. The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

vsg

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