



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.4695 of 2026

Malarvizhi

...Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
Crime No.1026 of 2019.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records pertaining to the order passed by the Additional Chief Judicial Magistrate, Madurai, in Crl.M.P.No.4458 of 2025 in S.C.No.133 of 2022 dated 05.01.2026 and set aside the same.

For Petitioners : M/s.M.Pitchai Muthu

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



WEB COPY

ORDER

The present petition has been filed seeking to quash the order passed by the Additional Chief Judicial Magistrate, Madurai, in CrI.M.P.No.4458 of 2025 in S.C.No.133 of 2022 on 05.01.2026 wherein the application filed by the petitioner under Section 311 of Cr.P.C. has been rejected.

2. A perusal of the records reveal that the petitioner has been charge sheeted for the alleged offences under various provisions of the Immoral Traffic Prevention Act, 1956, r/w Section 370 of IPC. P.W.1 to P.W.7 have been cross examined in fully and the evidences were closed on 24.10.2025. Thereafter, it was posted on 07.11.2025 for 313 questioning. At that time, this present application has been filed under Section 311 of Cr.P.C.

3. A perusal of the affidavit filed by the petitioner reveals that certain questions have been left out and therefore, he would like to recall P.W.1 to P.W.7 for further cross examination. This application has been dismissed on the ground that already the petitioner has availed the opportunity and without assigning any proper reasons, the petitioner is attempting to recall all the witnesses.



WEB COPY

4. The learned Counsel appearing for the petitioner submits that at least he may be permitted to recall P.W.1 and P.W.7, who are the defacto complainant and the Investigation Officer.

5. Considering the request to the petitioner, in order to provide one more opportunity to the accused person, this Criminal Original Petition is partly allowed setting aside the order in Cr.M.P.No.4458 of 2025 thereby directing the trial Court to permit the petitioner to recall P.W.1 and P.W.7 alone for further cross examination. It is made clear that that as and when they appear, the cross examination should be completed on the same day without any delay.

6. With the above said the observations, this Criminal Original Petition stands partly allowed to the extent as stated above.

03.03.2026

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



WEB COPY

To

1. The learned Additional Chief Judicial Magistrate,
Madurai.
2. The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

Crl.OP.(MD)No.4695 of 2026

03.03.2026