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Crl.OP(MD).No.4880 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.4880 of 2026

and

Crl.MP.(MD).No.5231 of 2026

Vignesh

...Petitioner

Vs

The State Of Tamilnadu Rep By
Inspector Of Police,
Rameswaram Town Police Station
Ramanathapuram District.
(Crime No.232 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to set aside the order passed by Chief Judicial Magistrate, Ramanathapuram in M.P.No.7/2025 dated 16.02.2026 in S.C.No.81/2022 and allow this petition and thus render justice.

For Petitioner : M/s.C.Susikumar

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



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ORDER

The present Criminal Original Petition has been filed seeking to set aside the order made in M.P.No.07 of 2025 in S.C.No.81 of 2022, on the file of the Chief Judicial Magistrate, Ramanathapuram, dated 16.02.2026, whereby the petition filed under Section 348 of the BNSS for recalling P.W.1 to P.W.3, P.W.11 and P.W.12 for cross-examination was dismissed.

2. The P.W.1 to P.W.3 were examined on 01.07.2024, P.W.11 was examined on 16.06.2025, and P.W.12 was examined on 19.09.2025. The application to recall the said witnesses for cross-examination was filed on 05.11.2025, by which time L.W.14, the Investigating Officer had already been examined in chief.

3. According to the learned Counsel for the petitioner, the said application was dismissed by the trial Court on the ground that the petitioner was attempting to drag on the proceedings and that no proper reasons had been assigned for filing the said application at a belated stage. He further submits that due to the lack of records, the eye-witnesses, namely P.W.1 to P.W.3 could not be cross-examined. In fact, they are the eye-witnesses and failure to cross-



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examine them would affect the case of the petitioner. He further submits that P.W.11 and P.W.12, who are police officials, appeared through video conferencing and gave their chief examination. In such circumstances, unless an opportunity is granted to cross-examine P.W.11 and P.W.12, it would cause great hardship.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that even L.W.14 has not been cross-examined. He would further submit that throughout the trial, the conduct of the petitioner was to protract the proceedings and that he was not ready to cross-examine the witnesses whenever they were examined.

5. Heard the submissions made on either side and perused the materials available on record.

6. Considering the fact that P.W.1 to P.W.3 are the eye-witnesses and P.W.Nos.11 and P.W.12 are the officials who appeared through video conferencing for chief examination, this Court is of the considered opinion that one opportunity may be granted to the petitioner to cross-examine them. However, the cross-examination shall be completed on a single day.



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7. In view of the above said facts and circumstances, this Criminal Original Petition stands allowed and the order passed in M.P.No.07 of 2025 in S.C.No.81 of 2022 on the file of the Chief Judicial Magistrate, Ramanathapuram, dated 16.02.2026, is hereby set aside. The petitioner is directed to complete the cross-examination of P.W.1 to P.W.3 and P.W.11 and P.W.12 on a single day. It is made clear that no further opportunity shall be granted to the petitioner.

8. With the above directions, this Criminal Original Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
gvn



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To:-

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



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R.VIJAYAKUMAR, J.

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