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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5942 of 2026

and

Crl.M.P(MD)No.6451 of 2026

Ramakrishnan

...Petitioner/Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Avaniyapuram Police Station,
Madurai.

Crime No.2398 of 2016.

...Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the order passed in Crl.M.P.No.2 of 2026 in C.C.No.157 of 2018 on the file of the learned District and Sessions Judge, Communal Clash Cases Court, Madurai, dated 17.03.2026 and set aside the same and consequently allow the petitioner to recall P.W.1 to P.W.3 for the purpose of cross examination.

For Petitioner

: M/s.J.Senthil Kumaraiah

For Respondent

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



ORDER

The present petition has been filed by the sole accused in C.C.No.157 of 2018 on the file of learned District and Sessions Judge, Communal Clash Cases Court, Madurai, challenging the dismissal of an application filed under Section 348 of BNS.

2. In the above said case, the petitioner has been charged with the offences under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act. P.W.1 and P.W.2 were chief examined on 01.09.2025 and P.W.3 was chief examined on 19.02.2025. However, the petitioner has not cross examined them. The present petition has been filed on 04.03.2026 seeking to recall PW.1 to P.W.3 for the purpose of cross examination.

3. A perusal of the petition reveals that due to the illness of the Senior Counsel, on that day, the cross examination could not be conducted. Therefore, the petitioner has prayed for recalling P.W.1 to P.W.3 for the purpose of cross examination.

4. The trial Court has dismissed the said application primarily on the ground that no reasons have been assigned when P.W.1 to P.W.3 were chief examined for not cross examining them on the same date. However, the present application has been filed belatedly.



5. The learned Counsel appearing for the petitioner submits that tomorrow(27.03.2026), the case is listed for the defence side witnesses and if one more opportunity is given for cross examination of P.W.1 to P.W.3 on a single day, he would not drag on the proceedings.

6. Considering the fact that P.W.1 to P.W.3 are official witnesses and the defence side evidence has not yet begun, one more opportunity may be granted to the petitioner for cross examining them.

7. Considering the above said facts, the order passed in CrI.M.P.No.2 of 2026 in C.C.No.157 of 2018, is hereby set aside and the Criminal Original Petition stands allowed. The petitioner shall cross examine P.W.1 to P.W.3 on a single day. Consequently, connected miscellaneous petition is also closed.

26.03.2026

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



To

1. The learned District and Sessions Judge,
Communal Clash Cases Court,
Madurai.
2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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