



Crl.O.P.(MD).No.12746 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.12746 of 2026

1. S.Manjula

2. Ilami

3. S.Mahendran Alais Dilipan

... Petitioners/
Accused No.1 to 3

Vs

1. The State of Tamil Nadu,
Represented by its
The Sub Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(Crime No.41 of 2019)

... 1st Respondent/Complainant

2. Meenakshi

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order passed by the Judicial Magistrate No.V, Madurai District made in M.P.No.1 of 2026 in C.C.No.1171 of 2026, dated 12.06.2026 and pass other order as this Court may deem fit.

For Petitioners : M/s.P.Subha Rani



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For R1

: Mr.B.Arun

Counsel for State of TN (CrI.Side)

ORDER

The present petition has been filed by the accused persons in C.C.No. 1171 of 2022 on the file of the Judicial Magistrate No.V, Madurai, seeking to set aside the order dated 12.06.2026, wherein an application filed by the petitioners under Section 311 of Cr.P.C, was rejected.

2. It could be seen from the records that P.W.8 was chief examined on 08.06.2026 and due to the non availability of the counsel for the accused, he was not cross examined on the said date. The present application has been filed on 12.06.2026 seeking to recall P.W.8 for the purpose of cross examination. The said application has been dismissed on the ground that it is neither a valid nor a sufficient ground for recalling the witnesses. This order is put to challenge in the present petition.

3. Heard the learned counsel appearing for the petitioners and perused the materials available on record.



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4. P.W.8 has been chief examined on 08.06.2026 and within a period of four days the present application has been filed seeking to recall P.W.8 for the purpose of cross examination. In such circumstances, there is no delay on the part of the petitioner.

5. In such circumstances, this Court is inclined to pass the following order.

(a) The order dated 12.06.2026 in M.P.No.1 of 2026 in C.C.No.1171 of 2022 on the file of the Judicial Magistrate No.V, Madurai, stands set aside and the petitioner is permitted to recall P.W.8;

(b) The petitioners shall pay batta within a period of three days from the date of receipt of a copy of this order.;

(c) The petitioners shall cross examine P.W.8 on the date on which he appears; and

(d) No further adjournments shall be granted to the petitioners for the purpose of cross examination of P.W.8.



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6. With the above said observations, this Criminal Original Petition is allowed.

29.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate No.V,
Madurai,
- 2.The Sub Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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