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Crl.O.P.(MD).No.12946 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.12946 of 2026

Mahalingam

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu through
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.151 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order dated 07.02.2026 made in Cr.M.P.No.06 of 2026 in Spl.S.C.No.66 of 2023, on the file of the learned Sessions Judge (Fast Track Mahila Court), Ramanathapuram and pass such other or further orders as this Court may deem fit.

For Petitioner : Mr.G.Vishnuram

For Respondent : Mr.B.Arun
Counsel for State of TN(Crl.Side)



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ORDER

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The present petition has been filed by the sole accused in Spl.S.C.No. 66 of 2023, on the file of the learned Sessions Judge (Fast Track Mahila Court), Ramanathapuram, challenging the order dated 07.02.2026 made in Crl.M.P.No.06 of 2026, wherein the application filed by the petitioner under Section 311 of Cr.P.C, was partly allowed.

2. A perusal of the records reveal that the petitioner has filed the said application to recall P.W.1 to P.W.16 for the purpose of cross examination. The trial Court has partly allowed the application permitting the petitioner to cross examine P.W.4 to P.W.14 alone, that too, cost of Rs.10,000/- has been imposed upon the petitioner. As far as recalling P.W.1 to P.W.3 is concerned, the petition has been dismissed. Challenging the said order, the present petition has been filed.

3. The learned counsel appearing for the petitioner, on instructions submits that the petitioner would be satisfied if the imposition of cost alone is deleted. According to him, P.W.4 to P.W.14 have never been cross examined



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and in such circumstances, if cost is imposed as a precondition for cross examination of P.W.4 to P.W.14 that would cause great prejudice to the petitioner.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. P.W.4 to P.W.14 have been chief examined between 18.09.2024 and 09.12.2025. The present application under Section 311 of Cr.P.C has been filed on 09.01.2026. Considering the circumstances of the case, this Court finds that the cost could be reduced from Rs.10,000/- to Rs.5,000/-.

6. In view of the above said facts, this Court is inclined to pass the following order:

(a) The order of the trial Court in dismissing the application to recall P.W.1 to P.W.3 stands confirmed;

(b) As far as the order of imposition of cost of Rs.10,000/- is concerned, it is partly modified as payment of cost of Rs.5,000/-; and

(c) The cost shall be deposited before the



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*District Mediation Centre, Ramanathapuram, on or
before 15.07.2026.*

7. With the above said observations, this Criminal Original Petition
stands disposed of.

01.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

Note: Issue order copy on 03.07.2026

To

1. The Sessions Judge,
Fast Track Mahila Court,
Ramanathapuram.
2. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The District Mediation Centre,
Ramanathapuram,

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R.VIJAYAKUMAR,J.

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