



CrI.O.P.(MD)No.23876 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.23876 of 2025

and

CrI.M.P(MD) No.20741 of 2025

1.Kalaipandi

2.Manikandan

... Petitioners

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records of the learned Sessions Judge (Mahalir Neethimandram), Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in CrI.M.P.No.62 of 2025 in S.C.No.170 of 2021 and set aside the impugned order dated 19.07.2025.

For Petitioners : Mr.P.Kalaiyarasi Bharathi

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed seeking to set aside the order dated 19.07.2025 passed by the learned Sessions Judge (Mahalir Neethimandram), Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in Crl.M.P.No.62 of 2025 in S.C.No.170 of 2021.

2.The learned counsel for the petitioners submitted that the petitioner had filed the petition under Section 348 of BNSS before the trial Court and the same came up for hearing on 19.07.2025. The said petition was filed seeking to recall P.W2, P.W3, P.W4, P.W.8, P.W11, P.W12, P.W13 and P.W20 for the reason that the learned counsel who appeared for the petitioner before the trial Court was out of station when the matter was posted for cross-examination and therefore, sought the indulgence of this Court to set aside the impugned order.

3.Per contra, learned Additional Public Prosecutor appearing for the respondent police submitted that the pending case relates to the murder of the petitioner's own father and all the witnesses have already been examined and the trial has been concluded and the case is now posted for arguments. He further submitted that for the same relief, an application under Section 311 of Cr.P.C had already been filed by the petitioners before the trial Court in



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CrI.M.P.No.19 of 2025 and the same was allowed on 14.02.2025 on payment of costs. However, due to the default committed by the petitioners in paying the costs, the said application stood automatically dismissed and the present application, being a second application seeking the very same relief, was dismissed by the trial Court and this application has been filed by the petitioner intentionally to protract the proceedings and hence, sought for dismissal of this petition.

4.Heard the learned counsels on either side and carefully perused the materials available on record.

5.It has become routine for the counsels to make submission before this Court that they were not able to cross-examine the witnesses in time because the counsel appearing before the trial Court was engaged in another Court in some other case. Even in this case, the petitioner has sought for only one chance on payment of cost. However, this Court is not inclined to pass any favorable order to the petitioners, considering the fact that an opportunity had already been granted by the trial Court, which was not duly utilised by the petitioner. Any further opportunity granted to the petitioners would only delay the trial proceedings before the trial Court. In view of the fact that the trial has



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already been concluded, I do not find any necessity to interfere with the pending procedure before the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous is closed.

02.01.2026

NCC : Yes / No
Index : Yes / No
cp

TO:-

1. The Sessions Judge (Mahalir Neethimandram),
Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur.

2. The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

cp

Order made in
Crl.O.P.(MD)No.23876 of 2025

Dated
02.01.2026