



CrI.O.P.(MD)No.23785 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.23785 of 2025

and

CrI.M.P(MD) No.20636 of 2025

1.Muthupandi @ Muthaih

2.Kanagaraj

... Petitioners

Vs.

The State of Tamilnadu through
The Inspector of Polic,
Puliyangudi Police Station,
Tenkasi District.
Crime No.240 of 2012.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records and set aside the order dated 06.12.2025 passed in CrI.M.P.No.648 of 2025 in C.C.No.516 of 2014 on the file of the learned Additional District Munsif-cum-Judicial Magistrate, Sivagiri, Tenkasi District.

For Petitioners : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed seeking to set aside the order passed by the learned Additional District Munsif-cum-Judicial Magistrate, Sivagiri, Tenkasi District, in Crl.M.P.No.648 of 2025 in C.C.No. 516 of 2014.

2.The learned senior counsel for the petitioner submitted that a petition under Section 311 Cr.P.C was filed by the petitioners/accused before the trial Court seeking to recall P.W3. However, the same was dismissed by the impugned order and sought the indulgence of this Court.

3.The learned Additional Public Prosecutor appearing for the respondent police, per contra, submitted that there is no infirmity in the impugned order and sought for dismissal of this petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5.It is seen that L.W6 was examined as P.W3 on 17.11.2025 virtually. However, since the learned counsel for the petitioner was engaged in another



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court, he was not able to conclude the cross-examination on the same day.

Nevertheless, within two days, on 19.11.2025, a recall petition was filed and the same came to be dismissed by the impugned order on 06.12.2025 on the grounds that the conduct of the petitioner's counsel would prove the lack of diligence in conducting the case, thereby closing the cross-examination of P.W3.

6.Considering the fact that the accused should not be denied with the fair trial, the impugned order dated 06.12.2025 passed in Crl.M.P.No.648 of 2025 in C.C.No.516 of 2014 on the file of the learned Additional District Munsif-cum-Judicial Magistrate, Sivagiri, Tenkasi District, is set aside on payment of cost of Rs.3,000/- each to the District Legal Services Authority, Tenkasi District, within a period of one week from today. The trial Court is directed to list the case on 12.01.2026 for cross-examination of P.W.3 and the petitioner is directed to cross examine the witness on the same day i.e. on 12.01.2026, upon payment of witness batta.

7. It is made clear that the petitioner should not be permitted to seek any adjournment for cross examination, and the cross examination shall be precisely concluded on 12.01.2026.



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8. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

02.01.2026

NCC : Yes / No
Index : Yes / No
cp

Note: Issue order copy on 08.01.2026

TO:-

1. The Additional District Munsif-cum-Judicial Magistrate,
Sivagiri, Tenkasi District.
2. The Inspector of Polic,
Puliyangudi Police Station,
Tenkasi 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.23785 of 2025

Dated
02.01.2026