

In the court of the Communal Clash Cases Court, Madurai

Present: D.Jeyakumari Jemi Rathna, B.Com., B.L.,  
District and Sessions Judge,  
Communal Clash Cases Court,  
Madurai

Dated this the 27<sup>th</sup> Day of April 2026 Monday.

**Crl.M.P.No.1029/2026**

**in**

**C.C.No.271/2017**

...

The State represented  
through the Inspector of Police,  
Ayikudi Police Station.  
crime No.52/2016

...Petitioner/Complainant

- /Versus/-

1. Jeyamani @ Jeyam  
S/o. Muthu Karupu  
1<sup>st</sup> Street, Kalavasal,  
Madurai

....Respondent/ Accused

This application u/s348 BNSS is coming this 27<sup>th</sup> Day of April 2026 before this court in the presence of Thiru R.Ramasubramanian, Special Public Prosecutor for the State and having stood over for consideration this Court delivered the following:-

**ORDERS**

**Petition averments in nutshell :-**

The Charge framed is punishable u/s.8(c) r/w 20 (b)(ii)(c). 29(1), 25 NDPS Act against petitioner / Accused, Now all the witness have

been examined. On perusal of deposition of PW5 who is conduct raid and seized contraband from the accused and regarding to mark the sample collected from the occurrence place. Hence it is necessary for the prosecution to recall PW5. Hence this petition.

The Respondent did not come forward to object or to file any counter.

Heard the petitioner. Respondent did not come forward for arguing this petition.

**Point of Consideration:**

Whether this petition is to be allowed?

Admittedly, this petition has been filed by Prosecution to recall PW5.

The reason stated by the prosecution is that, though PW5 was already examined the Contraband recovered and the sample drawn at the occurrence place were not marked. Hence this petition to recall PW5, who had conducted raid and recovered the contraband and drawn samples.

Admittedly. marking of recovered contraband is necessary for the prosecution and for the just decision of the case.

If this petition is allowed, no prejudice will be caused to the respondent / accused. But it helps the court for reaching just decision.

On the above said circumstances, this Court has comes to the conclusion, that petition is to be allowed.

In the result, the petition is allowed.

Pronounced by me in open court this the 27<sup>th</sup> Day of April 2026.

District and Session Judge,  
Communal Clash Cases Court,  
Madurai