

**IN THE PRINCIPAL DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,  
GUDALUR**

**PRESENT: THIRU. G.SARAVANAKUMAR, B.A., B.L., (Hon's)**

**Principal District Munsif-cum-Judicial Magistrate, Gudalur.**

**Friday, Dated 3<sup>rd</sup> day of July' 2026.**

**C.M.P. No: 265/2026**

**in**

**C.C.No. 13/2022**

Rishab

-- Petitioner/ Accused

-Vs-

The State of Tamilnadu

Rep by the Sub Inspector of Police,

Naduvattam

-- Respondent/ Complainant

For Petitioner : Mrs.R.Kalaimani

**ORDER**

1. This petition has been filed by the Petitioner / Respondent under section 311 of Cr.p.c, for seeking permission to recall the PW3 for purpose of further cross examination.

**2. THE GIST OF THE AVERMENTS OF THE PETITION AS FOLLOWS:**

The above case is posted today for Evidence. The complainant witness Pw3 was examined by this court. But due to the non availability of some records, the counsel could not able to cross examine the Pw3 fully. Unless the Pw3 is cross examined the petitioner / accused cannot elicit the contradictory version of Pw3. Hence this petition.

3. The other side not raised any objection by the way of counter.

4. Heard petitioner side and Records perused.

**5. The point for consideration is that whether the petition is to be allowed and the PW3 to be recalled for further cross-examination ?.**

**THE POINT:**

6. On point, perusal of records reveals that the respondent filed the complaint under section 447, 294(b) and 506(i) of IPC. Subsequently the Pw1 to Pw3 were examined and cross examined on the same day by the defence counsel. Therefore the case is posted for evidence of further Pws. Now the petitioner has come up with the present application for recall of Pw3. The other side did not raised any objection by the way of counter.

7. On careful perusal of records and submission of both side, it appears that the PW1 and Pw2 were examined on 13.03.2026, they were cross examined on the same day. Pw3 was chief and cross examined on 17.04.2026. This is more than 4 years old case.

8. Considering the facts and circumstances, Pw1 to Pw3 were examined on various dates, this is more than 4 years old case and also in the interest of justice, this court is not inclined to grant permission to recall the PW3. In the light of the above discussion, this court has come to a conclusion that this petition is devoid of merits and liable to be dismissed. The point is answered accordingly.

**11. In the result, this petition is dismissed.**

Directly typed by Steno typist in the system attached with chamber and  
Pronounced by me in the open court on this the 3<sup>rd</sup> day of July' 2026.

Sd/- G.SARAVANAKUMAR  
**PRINCIPAL DISTRICT MUNSIF-CUM-  
JUDICIAL MAGISTRATE, GUDALUR.**