

**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.**

Thursday, Dated 18th day of June' 2026.

C.M.P. No: 266 /2026

in

C.C.No. 173 /2025

1. Raghu @ Manikandan

2. Nandhakumar

-- Petitioner/ Accused

-Vs-

The State Rep by

The Sub Inspector of Police

Gudalur Police Station.

-- Respondent/ Complainant

For Petitioner : Mr. K. Sreejesh and Mr.Ugesh

For Respondent : Mr.Afselja, Ms. Dhanya Joseph and Mrs. Jaya Joseph

ORDER

1. This petition has been filed by the Petitioner / Accused under section 348 of BNSS for seeking permission to recall the PW1 for filing the Compromise Petition under section 359(2) BNSS.

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

The above case is posted today for evidence. The defacto complainant had deposed his evidence and cross examination is also completed by the defense counsel. Now the defacto complainant had entered into a compromise voluntarily with the petitioners/ Accused. The offence charged against them is compoundable with the permission of the court. Hence the petitioner / accused is filing this petition before this court to recall the Pw1 for filing the compromise petition under section 359(2) BNSS. Hence this petition.

3. The other side endorsed No objection.

4. Heard both side and Records perused.

5. The point for consideration is that whether the petition is to be allowed and the PW1 to be recalled ?.

THE POINT:

6. On point, perusal of records reveals that the respondent filed the complaint under section 316(2), 318(4) BNS r/w 3(5) BNS. Subsequently Pw1 was examined in chief on 12.02.2026 and on the same day he was cross examined by the defence counsel. Therefore the Pw1 evidence was closed and posted for evidence of further Pws. Now the petitioner has come up with the present application for recall of Pw1 for filing compromise petition. The other side did not raised any objection by the way of counter.

7. Since the other side did not raised any objection, in the interest of justice, in order to give an opportunity to the petitioner to conduct the trial effectively and in order to avoid further delays, this court is inclined to allow this application with the following condition,

(i) the petitioner shall pay Rs.1000/- to the respondent / complainant / Pw1 on or before 25.06.2026 towards cost. Thereafter Issue summon to PW1 returnable by 07.07.2026.

(ii) the petitioner shall complete the cross examination of the Pw1 on 07.07.2026 itself without seeking any further adjournment.

(iii) the Pw1 shall appear and subjected himself for cross examination on 07.07.2026.

Subjected to the above condition, this petition is allowed. For reporting compliance call on 07.07.2026

Directly typed by Steno typist in the system attached with chamber and Pronounced by me in the open court on this the 18th day of June' 2026.

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