



Crl.OP(MD) No.13997 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.13997 of 2026
and Crl.MP(MD) No.13580 of 2026

Jeyachithra

... Petitioner

Vs

1. The State of Tamilnadu, Rep.,
By the Deputy Superintendent of Police,
Alangulam Police Station,
Virudhunagar District.

2. The State of Tamilnadu Rep
By the Inspector of Police,
Alangulam Police Station, Virudhunagar District.
(Crime No.23/2023).

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the order dated 27.04.2026 passed in Cr.M.P.No.334 of 2025 in Spl.S.C.No.59 of 2023 on the file of the Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputhur, set aside the said order, allow the recall petition by permitting the petitioner to recall and cross-examine PW13.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.B.Arun
Government Advocate (Crl.Side)



Crl.OP(MD) No.13997 of 2026

WEB COPY

ORDER

The present petition has been filed by the accused in Spl.S.C.No.59 of 2023 on the file of the Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputhur seeking to set aside the order, dated 27.04.2026 passed in Crl.M.P.No.334 of 2025, wherein an application filed by the petitioner under Section 348 of BNSS has been dismissed.

2.Perusal of the records revealed that the petitioner is charged with the offence under Sections 294(b), 355, 506(ii) IPC r/w Sections 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act, 1989.

3.Out of 13 listed witnesses, the 13th witness namely the Investigation Officer was chief examined on 31.10.2025. On the said date, due to Advocates boycott, the petitioner's counsel has not cross-examined PW13. Thereafter, the present application has been filed in November, 2025 seeking to recall PW13 for the purpose of cross examination. This application has been dismissed. Challenging the same, the present petition has been filed.



Crl.OP(MD) No.13997 of 2026

4. According to the learned counsel appearing for the petitioner, on

16.10.2025 since the petitioner's counsel and others belonging to the same Association were on boycott, the PW13 could not be cross examined. He further submitted that in case PW 13 is recalled, he would be cross examined on the date of his appearance and there would not be any delay on the part of the petitioner.

5. Perusal of the order passed by the trial Court reveals that the petitioner's counsel along with the Office bearers of the Association have entered into the Court Hall without robes and have informed the Presiding Officer about the boycott of the Court. Probably this has caused disheartening in the minds of the learned Judge and he has proceeded to dismiss the present application after pointing out the Judgments of the Hon'ble Supreme Court.

6. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. The attitude and behaviour on the part of the learned counsel appearing for the petitioner before the trial Court cannot stand in the way of the petitioner herein, who is arrayed as sole accused in Spl.S.C.No.59 of 2023.



Crl.OP(MD) No.13997 of 2026

WEB COPY

8.Considering the fact that the application to recall PW13 has already has been filed by the petitioner within a period of one month and the petitioner is giving an undertaking that he would cross examine PW13 on the date of his appearance, this Court is inclined to allow the application in the following terms:

- a) Order passed by the trial Court in Crl.M.P.No.334 of 2025, dated 27.04.2026 is set aside;*
- b) The petitioner is directed to file necessary batta within a period of three days from the date of receipt of a copy of this order;*
- c) It is made clear that the petitioner shall complete the cross examination on the date on which PW13 appears;*
- d) It is made clear that no further indulgence shall be granted to the petitioner.*

9.With the aforesaid observations, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

13.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM



Crl.OP(MD) No.13997 of 2026

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To

1. The Sessions Judge,
Special Court for Trial of SC/ST (POA) Act Cases,
Srivilliputhur

2. The Deputy Superintendent of Police,
Alangulam Police Station,
Virudhunagar District.

3. The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.23/2023).

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



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Crl.OP(MD) No.13997 of 2026

R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
Crl.OP.(MD)No.13997 of 2026
and Crl.MP(MD) No.13580 of 2026

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