



WEB COPY

CRL OP No. 20420 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 20420 of 2025

1. Elangovan
S/o.Enginedurai,
D.No.753, South Street,
Adari Kalathur Village, Veppur Taluk,
Cuddalore District.

Petitioner(s)

Vs

1. State of Tamil Nadu represented by,
The Deputy Superintendent of Police,
Attur Sub Division, Attur Town Police
Station.

Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order dated 19.06.2025 passed by the Special Court for Trial of Cases under SC and ST (POA) Act, Salem in CrI.MP.No.103 of 2025 in Spl.SC.No.22/2022.

For Petitioner(s): Mr.R.C.Paul Kanagaraj
for M/s.P. J. Anitha

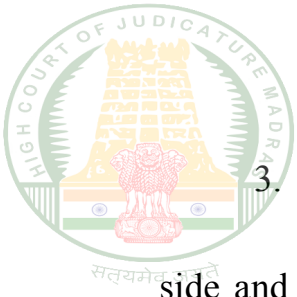
For Respondent(s): Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

**ORDER**

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This Criminal Original Petition has been filed to set aside the order dated 19.06.2025 passed by the Special Court for Trial of Cases under SC and ST (POA) Act, Salem in Crl.M.P.No.103 of 2025 in Spl.SC.No.22/2022.

2. The learned counsel for the petitioner submitted that the petitioner/accused filed a petition under Section 348 of the BNSS 2023 in Crl.M.P.No.103 of 2025 before the Special Court for Trial of Cases under SC and ST (PoA) Act, Salem, to recall P.W.10 for further cross-examination. The learned Special Judge, vide impugned order dated 19.06.2025, dismissed the petition. Aggrieved by the same, the petitioner has filed this criminal original petition. He further submitted that 11 witnesses have been examined so far and all the witnesses have been cross-examined on the same day itself. However, some important questions have to be posed before P.W.10 with regard to identification and name of the person and hence he seeks to recall P.W.10. If the said witness is not recalled, petitioner would suffer irreparable loss.



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3. Considering the submissions made by the learned counsel on either side and also considering the facts and circumstances of the case and also in order to give one more opportunity to the petitioner and in the interest of justice, this Court is inclined to allow this criminal original petition. Hence, the impugned order dated 19.06.2025 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC and ST (POA) Act, Salem in CrI.MP.No.103 of 2025 in Spl.SC.No.22/2022 is set aside. The learned Sessions Judge is directed to issue summons to P.W.10 who is none other than the Village Administrative Officer and on his appearance, the petitioner is directed to complete the cross-examination on the same day itself.

4. With the abovesaid direction, the Criminal Original Petition is allowed.

21-07-2025

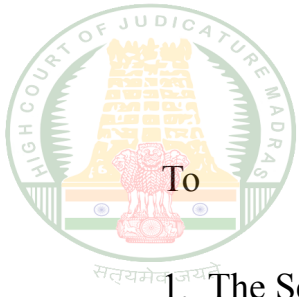
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Sessions Judge,
Special Court for Trial of Cases under SC
and ST (POA) Act,
Salem

2. The Deputy Superintendent of Police,
Attur Sub Division,
Attur Town Police Station.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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