



Crl.O.P.No.22428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.22428 of 2025
and Crl.M.P.No.15326 of 2025

Dharmalingam

... Petitioner

Versus

The State of Tamil Nadu
Rep by the Deputy Superintendent of Police
Economic Offences Wing
Tiruppur
(Crime No.6 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the common order passed in Crl.M.P.No.147 of 2025 in C.C.No.6 of 2017 on the file of the learned Special Court under TNPID Act, Coimbatore dated 04.07.2025.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.R.Vinothraja
Government Advocate

ORDER

Challenging the order of the learned Special Judge, Special Court under TNPID Act, Coimbatore dismissing the application filed under Section 311 to



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WEB.COM further cross examination of the PW1 to PW128 in a case filed for the offences punishable under Sections 120-B, 406, 420 of IPC and 5 of TNPID Act, 1997, the present petition has been filed.

2. The main contention of the petitioner is that though an application has been taken out by the petitioner to recall all the witnesses, now, the petitioner is restricting his claim only in respect of the PW1 to PW7, PW128 and PW85 as they have not been cross examined in entirety. Hence, in order to safeguard the interest of the accused, he seeks permission to cross examine the abovesaid witnesses.

3. Heard both sides and perused the materials placed on record.

4. The Trial Court has rightly dismissed the application for recall of the witnesses from PW1 to PW128, the manner in which the application has been filed and the Trial had been conducted casually indicate that how careless legal profession has been taken note of by the learned member of the Bar. Now, it is also admitted by both sides that PW1 to PW7, PW128 and PW85 have not been cross examined in entirety. Such view of the matter, merely because counsel has



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committed mistake on his part, substantial right to defend the criminal charge

cannot be taken away. Hence, in order to give one more opportunity this Court is

inclined to grant one more opportunity to the petitioner to cross examine the PW1

to PW7, PW128 and PW85. Considering the fact that the witnesses have to travel

from various places, costs of Rs.5000/- to each of the above witnesses, i.e., PW1

to PW7, PW128 and PW85 shall be paid so as to meet out their travel expenses.

The Trial Court shall fix a separate date for cross examination of witnesses on

entirety and it is made clear that the cross examination shall be completed either

on the same day or within two days and further cross examination will not be

permitted.

5. Accordingly, this Criminal Original Petition is disposed of.

Consequently, connected miscellaneous petitions stand closed.

13.08.2025

dhk

Index : Yes

Internet : Yes



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N. SATHISH KUMAR, J.

dhk

To

1.The Special Judge
Special Court under TNPID Act, Coimbatore

2.The Public Prosecutor
Madras High Court

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