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CrI.O.P.No.34653 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.34653 of 2025

1. Ramadoss
2. Sundaraj

... Petitioners

Vs.

State rep. by
Station House Officer,
Panrutti All Women Police Station,
Cuddalore District.
(Crime No.9 of 2020)

... Respondent

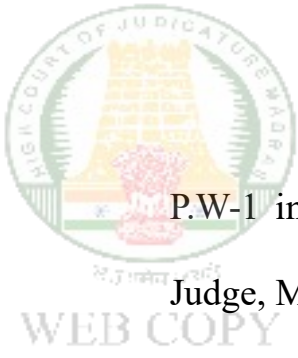
PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to call for the records and to set aside the order of dismissal in CrI.M.P.No.1568 of 2025, dated 19.11.2025 passed by the learned Sessions Judge, Mahila Court, Cuddalore and further order of recall the P.W-1 in S.C.No.65 of 2021, pending on the file of the learned Judge, Mahila Court, Cuddalore.

For Petitioners : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed to set aside the order of dismissal dated 19.11.2025 passed in CrI.M.P.No.1568 of 2025, by the learned Sessions Judge, Mahila Court, Cuddalore and to recall the



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P.W-1 in S.C.No.65 of 2021, pending on the file of the learned Sessions Judge, Mahila Court, Cuddalore.

2. The case of the petitioners is that they are the accused facing trial in S.C.No.65 of 2021 on the file of the learned Sessions Judge, Mahila Court, Cuddalore, for the offences under Sections 294(b), 417, 376, 506(i) and 406 of IPC. The victim (P.W-1) was examined in chief on 11.07.2025. The accused did not cross-examine the witness on the same day. However, on 30.07.2025, the petitioners filed an application to recall the witness for the purpose of cross-examination. The trial Court, taking into consideration the fact that the victim (P.W-1) is a blind woman and that the accused have committed a heinous offence of rape on her and also holding that the application was filed only for the purpose of protracting the trial, had dismissed the application. Challenging the order of dismissal, the present Criminal Original Petition has been filed.

3. Mr.P.Muthamizh Selvakumar, learned counsel appearing for the petitioners submitted that though there had been lapses on the part of the petitioners in not cross-examining the witnesses on the day of examination-in-chief, if the petitioners are not allowed to cross-examine the witness, it will seriously prejudice the trial. He further submitted that the reason for not cross-examining the witness was that the counsel for the petitioners had



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personal inconvenience and that immediately within two weeks, an application was filed to recall the witness. The filing of recall application was not for protracting the trial and that there are 17 witnesses to be examined, out of whom, P.W-1 only has been examined in chief and that the case has been posted for continuation of trial and examination of P.W-2. He also submitted that one opportunity may be given to the petitioners to cross-examine the witness on the same day, subject to imposition of costs and terms.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

5. On perusal of the order passed by the learned trial Judge, this Court finds that the trial Judge had rightly rejected the application and there is no infirmity in the order. However, P.W-1 is a crucial witness in this case and if an opportunity is not given to the petitioners to cross-examine her, the case of the petitioners would be seriously prejudiced. Therefore, this Court enquired the learned Government Advocate (Criminal Side) as to whether the respondent police will be able to produce the witness before the trial Court on a day fixed for cross-examination. On instructions from the respondent police, he replied in the affirmative.



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6. In view of the above, the order dated 19.11.2025 passed in CrI.M.P.No.1568 of 2025 in S.C.No.65 of 2021, by the learned Sessions Judge, Mahila Court, Cuddalore, is set aside subject to imposition of costs and terms. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- to the credit of S.C.No.65 of 2021 on the file of the Mahila Court, Cuddalore, on or before 16.02.2026. On such deposit being made by the petitioners, the learned trial Judge shall fix a date for cross-examination of P.W-1 and shall direct the respondent police to produce the victim (P.W-1) on the date fixed. The petitioners shall cross-examine the witness on the date fixed by the trial Court and if the petitioners fail to cross-examine the witness, they will lose their further opportunity of cross-examination. Rs.5,000/- deposited shall be paid to the witness.

7. This Criminal Original Petition stands disposed of with the above directions.

18.12.2025

Neutral Citation: Yes/No
srm



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To

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1. The Sessions Judge,
Mahila Court, Cuddalore.
2. The Station House Officer,
Panrutti All Women Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

srm

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