



*Crl.O.P.(MD)No.1706 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.1706 of 2025  
and Crl.M.P(MD).No.1188 of 2025

Valli Aruna

: Petitioner

Vs.

State of Tamil Nadu  
Rep., by The Inspector of Police,  
Samayapuram Police Station,  
Trichy.  
Crime No.153 of 2023

: Respondent

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records and set aside the order passed by the learned II Additional District and Sessions Judge, Tiruchirappalli in Crl.M.P.No.1 of 2024 in S.C.No.196 of 2023 dated 04.01.2025 in respect of dismissing the petition filed by the petitioner under Section 311 of Cr.P.C and direct the said Court to recall the witness, within a time frame fixed by this Court by allowing this petition.

For Petitioner

: Mr.K.Sivabalan

for M/S.Aran Legal Consultancy



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For Respondent : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

### **ORDER**

The petitioner, who is A4 in S.C.No.196 of 2023 and facing trial for the offence under Sections 302, 147, 148, 120B, 364, 341, 342, 109, 114 and 149 of IPC, had filed a recall petition in Crl.M.P.No.1 of 2024 under Section 311 of Cr.P.C to recall P.W.2, P.W.3 and P.W.4. The trial Court dismissed the same, against which, the present original petition.

2. The contention of the petitioner is that P.W.2 and P.W.3 are eye witnesses, who are cross-examined by A1 and A2. The petitioner being A4 had inadvertently adopted the same and not put any question on his side. Explanation ought to have been given on his side, which had been failed to be done. As regards P.W.4, he submitted that though he had cross-examined P.W.4, certain of the vital question, which has been left over. Hence, the petitioner to cross-examine P.W.2, P.W.3 and P.W.4 become necessary and the petitioner is also facing capital punishment and hence, in the interest of justice, an opportunity to be given to the petitioner to recall and cross-examine the witnesses. The petitioner will cross-examine them without any delay. The petitioner undertakes to cross-



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examine the witnesses on the day whenever they appear, without fail.

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3. The learned Additional Public Prosecutor strongly opposed the petitioner's contention stating that P.W.2 and P.W.3 were examined on 18.10.2023, on the same day, cross-examination was done in detail. The petitioner as well as other counsel for the accused had adopted, since it was a comprehensive cross-examination in detail by A1 and A2. Further, with regard to P.W.4 on 30.10.2023, examination was conducted and he was cross-examined in detail by the petitioner. Now, it is more than a year, the present petition has been filed before this Court, which is nothing but dilatory tactics. In this case, totally 34 witnesses are examined and thereafter, the accused were questioned under Section 313 of Cr.P.C., on 13.09.2024. On that day, they given explanation. Now, the case is posted for arguments on 30.01.2025. At this stage, allowing this petition would only further drag the progress of the trial. In this case, the petitioner had been given ample opportunity and time, at this stage, citing some more questions have to be put forth, cannot be accepted. He further submitted that in this case, there are charges under Sections 147, 148, 120B and 109, for this reason, the witnesses have been cross-examined in detail. The petitioner can also have a benefit of cross-examination of other accused.



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Hence, the petitioner cannot now claim that he had been denied the chance of cross-examination.

4. Considering the submissions and perusal of the materials, this Court finds that the reason given by the trial Court is proper, which does not need for any interference. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

**29.01.2025**

NCC : Yes/No  
Index : Yes / No  
*Rmk*

To

1.II Additional District and Sessions Judge, Tiruchirappalli.

2.The Inspector of Police,  
Samayapuram Police Station,  
Trichy.

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



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**M.NIRMAL KUMAR,J.**

*Rmk*

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