



Crl.M.P(MD) No.8885 of 2025 in  
Crl.O.P(MD) No.3337 of 2025

WEB COPBEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P(MD) No.8885 of 2025

in

Crl.O.P(MD) No.3337 of 2025

Murugesan

... Petitioner/Petitioner

Vs.

The State of Tamil Nadu  
represented by  
The Deputy Superintendent of Police,  
Uthamapalayam Sub Division,  
Cumbum South Police Station,  
Theni District.  
Crime No.791/2020

... Respondent/Respondent

Prayer: Criminal Miscellaneous Petition is filed under 528 of BNSS, to grant extension of time granted in the order made in Crl.O.P(MD) No.3337 of 2025, dated 24.02.2025 on the file of this Court in connection with S.C.No.197 of 2020 on the file of the learned Court for trial cases under SC/ST Act, Theni, on the file of the respondent Police.

For Petitioner : Mr.B.Arun

For Respondents : Mr.A.S.Abul Kalaam Azad  
Government Advocate (Crl.Side)



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## ORDER

The petitioner is an accused in Spl.S.C.No.197 of 2020 on the file of the Special Court for trial of Cases under SC/ST Act, Theni, and he has filed an application before the trial Court in Cr.M.P.No.1104 of 2024 to recall P.W.1 to P.W.5 in Spl.S.C.No.197 of 2020 for the purpose of cross examination. P.W.1 to P.W.3 were examined in chief on 27.06.2024 and P.W.4 and P.W.5 were examined in chief on 22.10.2024. However, the petitioner failed to cross examine them. Considering the manner in which, the petitioner has failed to cross examine the witnesses, when they were present before the Court and thereafter, filed the application to recall the witnesses in a case registered under SC/ST Act, the trial Court has rejected the application filed by this petitioner in Cr.M.P.No.1104 of 2024 on 26.12.2024.

2. The same was challenged by the petitioner before this Court in Crl.O.P(MD) No.3337 of 2025. This Court, by its order, dated 24.02.2025, allowed the petition filed by the petitioner in Crl.O.P(MD). No.3337 of 2025 with a direction to the petitioner to deposit a sum of Rs.1000/- as a cost to each of the witnesses before the trial court within a period of 15 days, for the purpose of recalling and cross examination. The petitioner has failed to pay the said amount and now has filed this application seeking extension of time granted in Crl.O.P(MD) No.3337 of 2025.

3. It appears that the petitioner had filed a memo, dated 12.03.2025 and



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recording the memo, the trial Court has adjourned the case in Spl.S.C.No.197 of 2020 to 24.04.2025. The other proceedings also reveal that nearly eight adjournments have been taken as if this Court has entertained the petition in Crl.O.P(MD) No.3337 of 2025 and has granted an interim stay. Now the petitioner has filed this application seeking extension of time.

4. The learned counsel for the petitioner would submit that it is a mistake committed by the previous counsel appeared on behalf of the petitioner.

5. If it is a mistake committed by the previous counsel, the petitioner has to workout his remedy as against the said counsel, who has made the mistake.

6. Considering the conduct of the petitioner, this Court is not inclined to grant the relief. Hence, this Criminal Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2025

Sub Assistant Registrar  
(CS-I/II/III/IV)

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The Deputy Superintendent of Police,  
Uthamapalayam Sub Division,  
Cumbum South Police Station,  
Theni District.

Copy To

The Section Officer,  
Criminal Section,  
Madurai Bench Of Madras High Court,  
Madurai.

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in  
Crl.O.P(MD) No.3337 of 2025  
29.07.2025

SL (14.08.2025)/4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.