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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Ninth day of July Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD). No.9414 of 2025
in
Crl. O.P(MD)No.8674 of 2025

Pratheesh ... Petitioner / Petitioner

-Vs-

1 The State of Tamilnadu, Rep.
By the Deputy Superintendent of Police,
Aundipatti Sub Division,
Aundipatti Police
Station (Crime No.296 of 2016)

... Respondent / Respondent

Prayer in CRL MP(MD). No.9414 of 2025 in Crl. O.P(MD)No.8674 of 2025:-

This Criminal Miscellaneous Petition filed Under Section 482 of Cr.P.C., to extend the period of time to cross examine the PW7 as well as to comply the conditional order passed by this Honble Court in Crl.O.P.(MD) No.8674 of 2025 dated 04.06.2025 and thus render justice.

Prayer in Crl. O.P(MD)No.8674 of 2025:-

Criminal Original Petition filed Under Section 528 of BNSS, to Set aside the order dt. 08.01.2025 passed in Cr.M.P. No. 1152 of 2024 in Spl.S.C. No. 91 of 2020 by the Special Court for Trial of Cases Under SC/ST(PoA) Act, Theni and direct the Special Court for Trial of cases under SC/ST(PoA) Act to allow the petitioner request to recall PW7 for cross – examination.

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ORDER:-

This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. R.Shankar Ganesh, Advocate for the Petitioner and of Thiru.A.S.Abul Kalaam Azad, Govt.Advocate(Crl.Side), for the Respondents, this Court made the following order:

The petitioner, seeking extension of time for cross examining PW 7 has filed this Criminal Miscellaneous Petition. According to the petitioner, PW 7, who is a retired Deputy Superintendent of Police was examined in chief on 13.12.2024. The petitioner has failed to cross examine PW 7 on that date and therefore, he has filed an application in Crl.MP.No.1152 of 2024, on 20.12.2024, to recall PW 7 and the same was dismissed by the trial Court, by its order, dated 08.01.2025. As against that order, this petitioner has filed an application in Crl.OP(MD) No.8674 of 2025 and the same was allowed by this Court by order dated 04.06.2025. This Court, while allowing the application has issued a direction that PW 7 has to be examined on 20.06.2025. However, the order copy was made ready and was placed before the concerned Court only on 17.06.2025. The trial Court was of the view that summons could not be served to PW 7, before 20.06.2025, the trial Court hesitated to do so, as there is a specific direction to examine PW 7 on a particular day. Therefore, this petitioner has filed this petition, seeking extension of time.

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2.This Court considered the submissions of the learned counsel for the petitioner.

3.Considering the submissions of the petitioner's counsel, this Court is inclined to extend further time to cross examine PW 7. Accordingly, this Criminal Original Petition is allowed with the following directions:-

i. The trial Court is directed to find out the convenient date of PW7, to appear before the Court for the purpose of cross examination and accordingly, the date shall be fixed by the trial Court.

ii. The petitioner has to cross examine PW 7, on the date fixed by the trial Court, without any deviation.

iii. It is made clear that all other conditions imposed by this Court in Crl.OP (MD) No.8674 of 2025, dated 04.06.2025, are intact.

Sd/-
Assistant Registrar(AE)

// True Copy //

/ /2025
Sub Assistant Registrar
(CS- I/ II / III / IV)

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TO

1. The Sessions Judge,
Special Court for Trial of Cases Under SC/ST(PoA) Act, Theni

2. The Deputy Superintendent of Police ,
Aundipatti Sub Division,
Aundipatti Police Station ,
Aundipatti.

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

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 29/07/2025

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ORDER

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CRL MP(MD). No.9414 of 2025
in
Crl. O.P(MD)No.8674 of 2025
Giving direction and etc.
as stated within.

MGJ (30.07.2025) 4P/ 5C

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

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