



Crl.O.P.(MD)No.14575 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14575 of 2025

and

Crl.M.P(MD) No.11842 of 2025

1. Jeyapandi

2. Rajapandi

3. Kudal Pandi @ Pandi

4. Sadaiyandi @ Sadaiyan

... Petitioners

Vs.

The State of Tamil Nadu,
Represented by
The Deputy Superintendent of Police,
Periyakulam Sub Division,
Devadanapatti, Theni District.
(Crime No.384/2014).

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the order, dated 04.07.2025 made in Cr.M.P.No. 111 of 2025 in Spl.S.C.No.9/2020 on the file of Special Court for Trial of Cases Under SC/ST (POA) Act, Theni and set aside the same as illegal.



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Crl.O.P.(MD)No.14575 of 2025

For Petitioners : Mr.R.Gandhi, Senior Counsel
M/s.Gandhi Associates

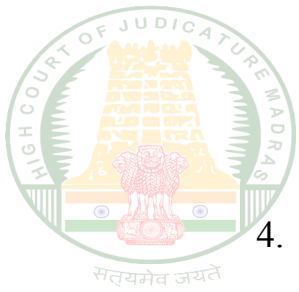
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioners have challenged the order dismissing their application filed under Section 311 of Cr.P.C., seeking to summon P.W.12 / Investigating Officer, for further cross-examination.

2. According to the learned counsel for the petitioners, P.W.12 was cross-examined on the very same date of examination in chief (i.e) on 22.04.2025, but the cross-examination could not be completed, since the learned Sessions Judge did not permit further cross examination. Hence, the petitioners sought for recall of P.W.12 and the same was dismissed by the learned Judge, stating that the petitioners' counsel had asked irrelevant questions and he refused to restrict the cross examination, therefore, no further opportunity need to be given.

3. The learned counsel would further submit that admittedly, the petitioners had not concluded the cross examination; and that there is no endorsement in the deposition that the petitioners' counsel was asked to stop the cross examination, since he had put irrelevant questions to P.W.12.



Crl.O.P.(MD)No.14575 of 2025

4. The learned Additional Public Prosecutor, on instructions, would submit that the order passed by the learned Sessions Judge, Special Court for trial of cases under the SC/ST Act, Theni, is justified, as the trial Court has the right to restrict the defence counsel from putting irrelevant questions to the Investigating Officer. He would further submit that even if this Court is inclined to permit the recall of the witness, the same may be allowed on condition to ensure that there is no delay in the trial.

5. It is seen from the records that the petitioners had cross-examined all the witnesses on the very same day of their examination-in-chief. Even P.W.12 / Investigating Officer was cross-examined on the same day of his examination-in-chief.

6. Without expressing any opinion as to whether the petitioners' counsel had put irrelevant questions, this Court is of the view that one more opportunity can be given to the petitioners to complete the cross-examination of P.W.12. It is reported that the next date of hearing is 08.09.2025. The learned Judge may fix any convenient date for the cross-examination of P.W.12, on which date, the petitioners' counsel shall conclude the same. It is needless to state that the petitioners' counsel shall confine the questions strictly within the scope



Crl.O.P.(MD)No.14575 of 2025

permissible under the Evidence Act.

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7. With the above observations and the directions, this Criminal Original Petition is allowed. Consequently, connected Miscellaenous Petition is closed.

04.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu

To

- 1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Devadanapatti, Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.14575 of 2025

SUNDER MOHAN, J.

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Crl.O.P(MD).No.14575 of 2025

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