



CRL OP(MD). No.17018 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.11.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.(MD). No.17018 of 2025

P.Arunpandi,

... Petitioner

Vs.

The State of Tamilnadu Rep
By the Inspector of Police,
All Women Police Station,
Srivilliputhur, Virudhunagar District.
Crime No.14 of 2021.

... Respondent

PRAYER :- This Petition is filed under Section 528 BNSS, to set aside the order passed in Crl.M.P.No.73 of 2025 dated 12.08.2025 in S.C.No. 168 of 2022 on the file of Fast Track Mahila Court, Srivilliputhur and direct to the Fast Track Mahila Court, Srivilliputhur to recall PW1 to PW8 and PW10 in S.C.No.168 of 2022.

For Petitioner : M/s.R.Mathiyalagan,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

ORDER

The petitioner seeks to set aside the impugned order passed by the learned Fast Track Mahila Court, Srivilliputhur, dismissing the petitioner's application for recalling PW1 to 8 and PW10.



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2. The petitioner is facing prosecution for the offence under Sections 417 and 376 of the IPC.

3. The learned counsel for the petitioner would submit that the allegations in the final report are false; that due to unavoidable circumstances, the petitioner's counsel did not cross examine PW1 to PW8 and PW10 and therefore, he sought for recall of those witnesses and the Mahila Court had dismissed the said petition stating that the petition has been filed only to delay the proceedings as nine witnesses are sought to be recalled which cannot be permitted and dismissed the said petition.

4. The learned counsel for the petitioner however would submit that though the petitioner would not be justified in recalling all the witnesses, he may be permitted to cross examine two important witnesses viz., PW1-victim and PW8-Doctor.

5. The learned Additional Public Prosecutor on instructions would submit that the instant petition has been filed only to delay the



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proceeding and the case is posted on 17.11.2025, after the prosecution has closed its evidence.

6. Admittedly, the petitioner had not cross examined PW1 and PW8. Though the request of the petitioner is to cross examine PW1 to PW8 and PW10 and sought for recall of those witnesses, this Court is not inclined to entertain this petition for recalling those witnesses as the petitioner cannot be allowed to duplicate the trial by recalling all the witnesses once again. The petitioner ought to have cross examined those witnesses. However, it is the case of the petitioner that he is working in Indian Army and therefore, he could not instruct the counsel effectively. Therefore this Court is of the view that two important witnesses viz., PW1-victim and PW8-Doctor may alone be permitted to be cross examined in order to ensure fair trial.

7. Accordingly, the impugned order is set aside in so far as the dismissal of the petition for recall of PW1 and PW8 and this Court is inclined to issue the following directions:



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PW1 and PW8 shall be cross examined by the petitioner on the same day fixed by the learned Magistrate / Judge on payment of Rs.5,000/- each as costs to the witnesses besides paying a sum of Rs.3,000/- to the District Legal Services Authority, Virudhunagar District. If the petitioner fails to comply with the above directions, the order passed by this Court shall stand vacated without any further reference to this Court.

8. With the above observation, this Criminal Original Petition stands disposed of.

13.11.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

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TO

1. The Fast Track Mahila Court,
Srivilliputhur

2. The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.

Copy to:
The Officer In-charge,
District Legal Services Authority,
Virudhunagar District.

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SUNDER MOHAN,J.

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