



**Crl.O.P.(MD)No.16126 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 24.09.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.16126 of 2025**

**Ramesh**

**... Petitioner/Sole Accused**

**Vs.**

**The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
AWPS, Rajapalayam,  
Virudhunagar District.**

**... Respondent/Complainant**

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the order dated 29.08.2025 in Crl.M.P.No.77 of 2025 in Spl.SC.No.14 of 2021 on the file of the learned Sessions Judge (Mahalir Neethimandram) Fast Track Mahil Court, Virudhunagar District at Srivilliputhur and set aside the same.

**For Petitioner : Mr.J.Yogeswaran**

**For Respondents : Mr.R.M.Anbunithi  
Additional Public Prosecutor**



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## **ORDER**

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This Criminal Original Petition is filed to set aside the order passed in Crl.M.P.No.77 of 2025 in Spl.S.C.No.14 of 2021 by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur dated 29.08.2025, dismissing the petition for recall of the witnesses, namely, P.W.1 to 8 and P.W.10 to P.W.14.

2. The petitioner, who is facing trial for the offences under Section 7 read with Section 8 of the POCSO Act and other offences, had sought for recall of the above witnesses, since the earlier counsel had not cross-examined them for want of documents. The learned Sessions Judge dismissed the recall petition on the ground that the reason stated for cross-examination is not acceptable and the petition has been filed only to delay the proceedings.

3. The learned counsel for the petitioner would submit that the petitioner has now engaged a legal aid counsel and that if the witnesses are not allowed to be cross-examined, his right to a fair trial would be affected; and that the petitioner would restrict the cross-examination to three vital witnesses, namely, P.W.1, P.W.2 and P.W.14.



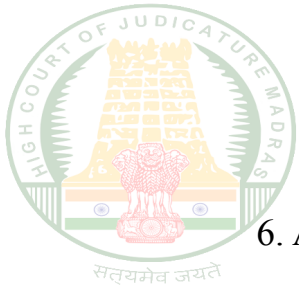
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4. The learned Additional Public Prosecutor would vehemently oppose the prayer sought by the petitioner and would state that though the witnesses were examined in the year 2023, the petitioner had not chosen to avail of the opportunity to cross-examine them; and that the present attempt to recall all the witnesses is only to delay the trial.

5. This Court finds that the reason assigned by the learned Sessions Judge for dismissing the petitioner's recall petition is justified and since the petitioner had not availed of the opportunity to cross-examine the witnesses, he cannot seek recall of all the witnesses. However, considering the fact that the petitioner is facing trial for a serious offence, this Court is of the view that one last opportunity can be granted to the petitioner to cross examine three witnesses, namely, P.W.1, P.W.2 and P.W.14. Hence, to secure the ends of justice, the following directions are issued:

(i) The petitioner shall cross-examine the witnesses, namely, P.W.1, P.W.2 and P.W.14 on the same day fixed by the learned Sessions Judge on payment of Rs.3000/- (Rupees Three Thousand only) each to P.W.1 and P.W.2 besides paying cost of Rs.1000/- to the District Legal Services Authority, Srivilliputhur.

(ii) If the petitioner fails to comply with the above direction, this petition would stand dismissed without further reference to this Court.



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6. Accordingly, this Criminal Original Petition is disposed of.

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**24.09.2025**

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

To

1.The Sessions Court (Mahalir Neethimandram),  
Fast Track Mahil Court,  
Virudhunagar District at Srivilliputhur.

2.The Inspector of Police,  
AWPS, Rajapalayam,  
Virudhunagar District.

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



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**SUNDER MOHAN, J.**

Lm

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