



CRL OP(MD)No.17074 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 16.10.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.17074 of 2025
and
Crl.M.P(MD) No.13931 of 2025

Andisamy @ Kuttaiyan

... Petitioner

Vs

State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Dindigul Rural,
Dindigul District,
(In Crime No.03/2024)

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records and set aside the order passed by the Fast Track Mahila Court, Dindigul in Crl.M.P.No.59 of 2025 in S.C.No.178 of 2024 dated 27.06.2025 in respect of dismissing the petition filed by the petitioner under Section 311 of Cr.P.C., for examine P.W.2 through P.W.3 Special Educator.

For Petitioner : Mr.S.Arjun

For Respondents : Mr.R.Sanjai Gandhi
Government Advocate (Crl.side)



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ORDER

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The petitioner seeks to set aside the impugned order passed in CrI.M.P.No.59 of 2025 in S.C.No.178 of 2024 by the Fast Track Mahila Court, Dindigul dated 27.06.2025 dismissing the petition filed by the petitioner for recall of P.W.2 for cross-examination.

2.The petitioner is facing trial for the offences under Sections 417 and 376 (2)(n) of IPC and had sought for recall of P.W1 to P.W4. The learned Sessions Judge, by the impugned order, permitted the cross examination of P.W1, P.W3 and P.W4 and dismissed the petition insofar as P.W2 as she suffered from mental disability.

3.The learned counsel for the petitioner would submit that if the victim is not cross-examined, his valuable right to a fair trial would be infringed. He would further submit that he would abide by any stringent conditions and may be permitted to cross-examine the victim.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the impugned order passed by the



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learned Sessions Judge is in accordance with law and that the case is now posted for the examination of L.W22 and L.W23.

5.The victim is aged about 23 years. It appears that PW3 is the Special Educator, who Interpreted the evidence of P.W2. The petitioner had not cross examined P.W2 admittedly. This Court is of the view, considering the fact and circumstances of the case that one more opportunity can be given to the petitioner to cross examine the victim, subject to certain conditions. Accordingly, the impugned order is set aside;-

(i) The petitioner shall cross-examine P.W2 in the presence of P.W3, who is an expert witness, on the same day fixed by the learned Sessions Judge, on payment of cost of Rs.5,000/- each to P.W2 and P.W3 and he shall further deposit a sum of Rs.2,000/- to the District Legal Services Authority, Dindigul.

(ii) If the petitioner fails to comply with the above direction, the order passed by this Court shall stand vacated without further reference to this Court.



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6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

16.10.2025

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

To

1. The Fast Track Mahila Court,
Dindigul
2. The Inspector of Police,
All Women Police Station,
Dindigul Rural,
Dindigul District,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER IN
CRL OP(MD) No.17074 of 2025

Date : 16.10.2025