



Crl.O.P.(MD) No.18451 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18451 of 2025

and

Crl.M.P.(MD) No.15189 of 2025

Muthukaruthapandi

... Petitioner

Vs.

The State of Tamil Nadu rep. by
Deputy Superintendent of Police,
Periyakulam Sub Division,
Thenkarai Police Station, Theni.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records and set aside the order dated 01.09.2025 passed in Cr.M.P.No.176 of 2025 in Spl.S.C.No.55 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

For Petitioner : Mr.A.Joseph Jerry

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



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ORDER

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This Criminal Original Petition has been filed seeking to set aside the impugned order dated 01.09.2025 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dismissing Cr.M.P.No.176 of 2025 in Spl.S.C.No.55 of 2022 filed by the petitioner for recalling P.W.1 to P.W.5 for cross-examination.

2. The petitioner is facing trial for the offences punishable under Sections 296(b), 448, and 354A(1)(ii) of the Indian Penal Code, 1860, and Sections 3(1)(r) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. He sought recall of P.W.1 to P.W.5, who were examined in chief on 09.07.2025 and 16.07.2025 respectively, for cross-examination. The learned Sessions Judge dismissed the petition on the ground that recalling the witnesses would cause hardship to them and that the trial has to be concluded in an expeditious manner.

3. The learned counsel for the petitioner would submit that the petition has been filed not to delay the proceedings, as the chief examination of the witnesses was conducted only in July 2025; that the



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prosecution has not closed its evidence; that the case is posted for examination of P.W.10 on 14.11.2025; and that no prejudice would be caused to the witnesses, if the petitioner is permitted to cross-examine the witnesses.

4. Admittedly, the prosecution has not closed its evidence. Therefore, the delay cannot be attributed to the petitioner alone. The case is now posted for the cross-examination of P.W.10, who is the Investigating Officer, on 14.11.2025. Hence, one more opportunity can be granted to the petitioner to cross-examine P.W.1 to P.W.5. Accordingly, the impugned order is set aside, and this Court is inclined to issue the following directions:

- (a) The petitioner shall cross-examine P.W.1 to P.W.5 on the date fixed by the learned Sessions Judge, on payment of Rs.3,000/- to each of the witnesses and Rs. 3,000/- to the District Legal Services Authority, Theni District.
- (b) If the petitioner fails to comply with the above directions, this order shall stand vacated without further reference to this Court.



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WEB COPY 5. With the above observations, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

29.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Theni.
- 2.The Secretary,
District Legal Services Authority,
District Court Buildings,
Theni - 625 531.
- 3.Deputy Superintendent of Police,
Periyakulam Sub Division,
Thenkarai Police Station, Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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