



CrI.O.P.(MD)No.19954 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).No.19954 of 2025

1. Thangavel

2. Nagendran

3. Manavalan

4. Alagar

5. Sangli

... Petitioners/Accused 1 to 5

Vs.

The State of Tamilnadu,
represented by the Deputy Superintendent of Police,
Periyakulam Sub Division,
Jeyamangalam Police Station,
Theni District.
In Cr.No.80 of 2022.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the order passed in Cr.M.P.No.152 of 2025 in Spl.S.C.No.39 of 2022 dated 13.08.2025 on the file of the Special Court for trial of Cases under SC/ST (POA) Act, Theni ad to recall the witnesses P.W.1 to P.W.3 for cross examination.



For Petitioner : Mr.K.Dinesh
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioner seeks to set aside the order passed in Cr.M.P.No.152 of 2025 in Spl.S.C.No.39 of 2022, dated 13.08.2025 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dismissing the petitioner's application filed to recall the witnesses P.W.1 to P.W.3, who were examined in chief in the month of April 2025.

2. The petitioner is facing the trial for the offences under Sections 147, 148, 294(b), 323, 324, 342, 506(i) of IPC and Section 3(1)(s) of SC/ST (PoA) Amendment Act, 2015. P.W.1 to P.W.3 were examined in chief on 15.04.2025. The petitioner had not cross examined those witnesses. He had therefore filed a petition to recall those witnesses, which was dismissed by the trial Court on the ground that the witnesses are doing agricultural work and recall of those witnesses would cause hardship to them.

3. The learned counsel for the petitioners would submit that the case is now posted for examination of L.W.5 to L.W.7. Admittedly, the prosecution has not closed its evidence. Since P.W.1 to P.W.3 are important witnesses, the



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petitioners ought to have cross examined them. Though the petitioner had not cross examined those witnesses, this Court is of the view that one more opportunity has to be given to the petitioner to cross examine those witnesses to ensure fair trial. Accordingly, the impugned order passed in Cr.M.P.No.152 of 2025 in Spl.S.C.No.39 of 2022, dated 13.08.2025 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, is set aside on the following directions:

(i) The petitioner shall be permitted to cross examine the witnesses P.W.1 to P.W.3 on the same day fixed by the learned Magistrate on payment of cost of Rs.2,500/- each to the witnesses. Further the petitioners shall pay Rs.2,500/- to the District Legal Services Authority, Theni. If the petitioner fails to comply with any of the directions, the order passed by this Court shall lose its efficacy.

4. With the above directions, this Criminal Original Petition is disposed of.

12.11.2025

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

Indu

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WEB COPY

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



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SUNDER MOHAN, J.

Indu

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