



Crl.O.P.(MD)No.22043 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.21870 of 2025

Kaleswaran @ Kaleeswaran ... Petitioner/Petitioner/Sole Accused

Vs.

1.The State of Tamil Nadu rep by
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.7 of 2019)

... Respondent/Respondent/Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023, to call for the records and set aside the order dated 03.10.2025 made in Cr.M.P.No.731 of 2025 in Spl.S.C.No.87 of 2019 on the file of the Sessions Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram.

For Petitioner : Mr.C.Vishnuram

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

ORDER

This petition has been filed to quash the the order dated 03.10.2025 made in Cr.M.P.No.731 of 2025 in Spl.S.C.No.87 of 2019 on the file of the Sessions



Crl.O.P.(MD)No.22043 of 2025

Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram.

2.The petition filed by the petitioner in Cr.M.P.No.731 of 2025 in Spl.S.C.No.87 of 2019 on the file of the Sessions Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram, under Section 348 of BNSS, 2023, to recall P.W.1 to P.W.3, came to be rejected by the learned Sessions judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram. Challenging the same, this Criminal Original Petition has been filed.

3. The learned counsel for the petitioner submitted that he was not able to cross examine P.W.1 to P.W.3 immediately, after the chief examination only because of Covid-19 pandemic and hence, he seeks indulgence of this court.

4. Mr.S.Ravi, the learned Additional Public Prosecutor, categorically submitted that under the Special Act, the petitioner ought to have cross examined the witnesses on the same day of examination in chief. Having not done so, he is not entitled to recall the witness.



Crl.O.P.(MD)No.22043 of 2025

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5. However, considering the limited scope of the relief sought for, the impugned order passed by the Sessions Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram, in Cr.M.P.No.731 of 2025 in Spl.S.C.No.87 of 2019, dated 03.10.2025, is hereby set aside.

6. The learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram, is directed to permit the petitioner to recall P.W.1 to P.W.3 for cross examination on payment of cost as fixed by the learned sessions judge to the witness.

02.12.2025

NCC : Yes / No
Index : Yes / No
dss

TO:-

- 1.The Sessions Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act, 1989, Ramanathapuram.
2. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22043 of 2025

L.VICTORIA GOWRI, J.

dss

Order made in
Crl.O.P.(MD)No.21870 of 2025

Dated
02.12.2025