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Crl.O.P.No.5892 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5892 of 2026
and Crl.M.P.No.4369 of 2026

K.Narashimman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vigilance & Anti-Corruption Wing,
Salem Detachment, Salem.
(Crime No.8/AC/2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 24.02.2026 made in Crl.M.P.No.375 of 2026 in Spl.C.C.No.5 of 2025, on the file of the Principal Sessions Court, Krishnagiri.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the Principal Sessions Court, Krishnagiri, in Crl.M.P.No.375 of 2026 in Spl.C.C.No.5 of 2025 on 24.02.2026.



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2. The brief facts of the case are as follows:-

2.1. The petitioner is an accused facing trial in Spl.C.C.No.5 of 2025, before the Principal Sessions Court, Krishnagiri, for the offences punishable under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018, in Crime No.8/AC/2018, on the file of the respondent police.

2.2. In the said case, the petitioner/accused filed a petition under Section 311 Cr.P.C., in Crl.M.P.No.375 of 2026 seeking to recall witnesses, PW2 and PW6 for cross-examination. The learned Sessions Judge, vide order dated 24.02.2026, dismissed the said petition. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner is conducting trial as Party-in-Person. He further submitted that the petitioner was given an opportunity to cross-examine PW2 on 12.09.2023 and 13.09.2023 and PW6 on 18.06.2024. However, since the petitioner is defending the case as Party-in-person, he was handicapped and certain important questions were left to be posed to the witnesses. He further submitted that though there had been some lapses, if an opportunity is not given to the petitioner, it would be detrimental to his case. Hence, he prayed to set aside the order dated 24.02.2026.

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4. Learned Government Advocate (Criminal Side) submitted that the trial Court, finding that sufficient opportunities had already been given to the petitioner and further, the petitioner had not disclosed the reasons as to why the aforesaid witnesses are required to be cross-examined, had rightly dismissed the petition. He further submitted that the case now stands posted on 17.03.2026. Hence, he opposed for setting aside the order passed by the trial Court in Crl.M.P.No.375 of 2026.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, there had been some lapses on the side of the petitioner and this Court does not find any infirmity in the finding of the trial Court. However, this Court is of the opinion that since the petitioner is conducting the case as Party-in-Person, one opportunity may be granted to the petitioner in the interest of justice to recall and cross-examine PW2 and PW6, subject to imposition of cost and terms.

7. On an enquiry made by this Court as to whether the respondent police would be able to produce the witnesses on a particular



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date to be fixed by the trial Court, the learned Government Advocate (Criminal Side), on instructions from Mr.M.Sridhar, Gr-I 910, DVAC, Krishnagiri, submitted in the affirmative and he further reiterated that the case stands posted on 17.03.2026.

8. Accordingly, this Criminal Original Petition is allowed and the order passed by the learned Principal Sessions Judge, Krishnagiri, in Crl.M.P.No.375 of 2026 in Spl.C.C.No.5 of 2025, dated 24.02.2026, is set aside, on condition that the petitioner deposits a sum of Rs.4,000/- (Rs.2,000/- * 2 witnesses) to the credit of Spl.C.C.No.5 of 2025 on the file of the Principal Sessions Court, Krishnagiri, on or before **13.03.2026**.

9. On such deposit made by the petitioners, the learned trial Judge shall recall PW2 and PW6 and fix a date for their cross-examination. It is made clear that the petitioner shall cross-examine the said witnesses on the very same day of their appearance before the trial Court. In the event of the petitioner failing to cross-examine the witnesses, he will lose the further chance of cross-examination.

10. The trial Court shall disburse a sum of Rs.2,000/- to each of the witnesses, namely PW2 and PW6, on the date of their appearance.



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11. Consequently, the connected miscellaneous petition is also closed.

06.03.2026

Neutral Citation: Yes/No
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Note: Issue order copy today (09.03.2026)

To

1. The Principal Sessions Judge,
Krishnagiri.
2. The Inspector of Police,
Vigilance & Anti-Corruption Wing,
Salem Detachment, Salem.
3. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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