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Crl.OP.No.11513 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.11513 of 2026

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... Petitioner

Vs.

The State Rep By
Inspector of Police,
V & AC, Salem Detachment,
Salem
(crime No.3/AC of 2015)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS praying to allow this petition by setting aside the order dated 12.02.2026 made in CMP.no.197 of 2025 in Spl.CC.No.1 of 2016 and consequently direct the cross-examination of the PW4, on such terms and conditions that this Court may deem fit.

For Petitioner : Mr.N.A.Ravindran

For Respondent : Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This criminal original petition has been filed praying to set aside



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the order passed in CMP.No.197 of 2025 in Spl.CC.No.1 of 2016 dated 12.02.2026, thereby dismissing the petition filed under Section 311 of Cr.P.C. to recall PW4 for further examination.

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2. The petitioner is an accused in the aforementioned Spl.CC.No.1 of 2016 facing trial for the charges under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act. The defacto complainant was examined as PW2 and the brother of the defacto complainant was examined as PW4. Both were examined in chief on 05.07.2019. During the cross examination of PW2, he refused to divulge information regarding the event that took place before and after the trap proceedings. Therefore, the trial court stalled the cross examination, to which the defence counsel consented. However, thereafter the petitioner filed petition to recall PW4 for further examination and the said petition has been dismissed.

3. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

4. On perusal of records and on the submissions of the counsel appearing on either side, it is revealed that PW4 was silent for five

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minutes during the chief examination. However, he was cross examined in full and he had answered all the questions raised by the defence counsel. PW4 never refused to answer the questions raised by the defence counsel. That apart, the petitioner filed petition to recall PW4 after completion of defence witnesses. Therefore, the petition filed by the petitioner to recall PW4 is nothing but dragging the proceedings. Hence, the trial court rightly dismissed the petition and this Court finds no infirmity or illegality in the impugned order. As such, this criminal original petition is liable to be dismissed.

5. Accordingly, this criminal original petition is dismissed. However, the trial court is directed to complete the trial within a period of eight weeks from the date of receipt of this order. There shall be no order as to costs.

01.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Special Court for Trial of Cases Under Prevention of Corruption Act, Salem
- 2.The State Rep By
Inspector of Police,
V & AC, Salem Detachment,
Salem
- 3.The Public Prosecutor,
High Court of Madras

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