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CRL.R.C.No.2242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No.2242 of 2025

The State represented by,
The Inspector of Police
Central Bureau of Investigation,
Anti-Corruption Branch,
Chennai.
Crime No.RC MA1 2015 A 0011
CBI/ACB/Chennai.

Petitioner(s)

Vs

1. M.P.Kaliyaperumal
S/o.Late Shri.R.Pichai,
The then Head and Consultant of VTED
Division,
Rajiv Gandhi National Institute of Youth
Development (RGNIYD), Sriperambadur.
Residence of:
H3/965C, Annam Apartments,
24th Street, 6th Avenue, Anna Nagar West,
Chennai-600 040.

2.T.Gopinath
S/o.Shri Thasil,
The then Head and Consultant of VTED
Division,
Rajiv Gandhi National Institute of Youth
Development (RGNIYD),
Sriperambadur.
Residence of:



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No.18, 3rd Cross Street, NGO Colony,
Sriperumbudur, Chennai.

3.E. Devadoss
S/o.Shri Elappan,
Proprietor of M/s.Micro Systems,
No.60,1st Floor, Kadher Janda Street,
Vandavasi.
Residence of:
No.1318, Urundai Road, Kavedu Village,
Keezhakodungayur Post, Vandavasi.

4.N. Karunakaran
S/o.Shri. Nithyanandan
The then Proprietor of M/s.Elite Solutions,
Periyapalayam.
Residence of:
Nallur, Near Anna Nagar, Meenjur
Permanent Address: No.97, MC Raja
Street, Vallur Village, Near Meenjur,
Chennai-600 120.

5.G. Suresh
Proprietor of M/s.SK Infotech,
No.50, Thayuman Chetti Strteet, Ponneri,
Thiruvallur District.
Residence of:
No.333,Vivekananda Street,
Vembakkam, Ponneri.
Permanent Address: No.5, Amman Street,
Kandigai, Perumpedu Post,
Ponneri-601 204.

6.G. Kishore Kumar
S/o.Shri Gopal,
Proprietor of M/s.Vekkali Software
Solutions,
No.3/238, Bus stand street,
Madarapakkam-601 201.
Residence of:



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Kumara Nayakan Pettai village,
Eguvaripalayam Post,
Gummidipoondi Taluk,
Thiruvallur-601 201.

7.S. Kumar
S/o.Shri Subramani,
Proprietor of M/s.SS Software Solutions,
No.160, GNT Road, Gummidipoondi,
Residence of:
No.157, First Cross Street,
New Theradi Street,
Ponneri-601 204.
Permanent Address:
No.19, Saanarpalayam,
Jyothi Nagar Post,
Ponneri Taluk-601 204.

8.Micheal P.Vetha Siromony
S/o.Shri. D.P.Mony
The Then Director,
Rajiv Gandhi National Institute of Youth
Development (RGNIYD),
Sriperambadur.
Residence of:
No.12E, Artech Building,
Anandavalliswaram Near Collectorate,
Quilon, Kollam, Kerala.

Respondent(s)

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the order dated 19.08.2025 passed by the learned XIII Additional Special Judge (CBI Cases), Chennai in C.C.No.26 of 2016 to the extent of declining permission to re-examine PW-116 and to permit the revision petition to re-examine PW-116 for the purpose of clarifying ambiguities arising during his cross-examination.



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For Petitioner(s): Mr.K.Srinivasan
Special Public Prosecutor for CBI Cases

For Respondent-1: Mr.V.S.Venkatesh
For Respondent-2: Mr.N.U.Prasanna
For Respondents- Ms.P.Kavitha
3 to 7: for Mr.R.Jaigandhi
For Respondent-8: No appearance

ORDER

The Central Bureau of Investigation (CBI) had filed the above petition challenging the order passed by the trial Court on 19.08.2025, whereby denying permission sought for by the learned Public Prosecutor to re-examine PW-116.

2.The contention of the learned Special Public Prosecutor appearing for the petitioner/CBI is that in this case there are totally 8 accused. A1/M.P.Kaliyaperumal is the Head/Consultant of Vocational Training and Entrepreneurship Development (VTED) Division in Rajiv Gandhi National Institute of Youth Development (RGNIYD), Sriperambadur and A2/T.Gopinath is the Training Officer in RGNIYD. A3 to A7 are from SRM Infotech Computer Education.

3.The case against the accused is that A1 and A2 entered into a conspiracy with A3 to A7 in issuance of work orders for imparting computer training to



rural candidates, thereby fabricated invoices and receipts and released a sum of Rs.28,64,375/- to A3 to A7 and thus caused a wrongful loss to Government of India. During trial, several witnesses examined and lastly PW-116 examined and through him Ex.P11/Enquiry Report marked which is running to more than 100 pages. A1 and A2 independently cross examined the witnesses at length and the other accused namely, A3 to A7 reported that they are adopting the cross examination of A1 and A2. During the cross examination, the report was put to the witnesses and to the several part of the report, attention was drawn and also with regard to the role played by other witnesses, namely, Lakshmi, Kalabalaji, Kaliyaperumal, Dr.Girish and Dr.Kulanthairajan and others. During cross examination, for some questions, the witnesses though answered positively, had not given details with regard to the custody of the files and author of the report, about the scheme and with regard to motive of Iyyangar, the then Director and further about the Registrar of the institution. As regards these aspects, there is some ambiguity. The oral evidence is not in conformity with the report and other documents, hence ambiguity arose. For these reasons, the witness ought to be re-examined for the purpose of clarification. It would be only for betterment and in the interest of justice, so that there is no ambiguity remains and no advantage or disadvantage is caused either to the prosecution or to the accused. Further, re-examining is permissible under the Evidence Act.



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4. The learned Special Public Prosecutor further submitted that the Hon'ble Apex Court in the case of *Rammi vs. State of Madhya Pradesh* reported in *(1999) 8 SCC 649*, held that the very purpose of re-examination is to explain matters which have been brought down in cross-examination and further it should be construed that re-examination should be confined to clarification of ambiguities which have been brought down in cross-examination. Further it held that if the party who called the witness, feels that explanation is required for any matter referred to in cross-examination, he has the liberty to put any question in re-examination to get the explanation. Further if the Public Prosecutor feels that new matters should be elicited from the witness, he can do so, but the only caution notice is that it should be a requirement on the facts of the case and he should seek permission of the Court. Thereafter, if the Court thinks that such new matters are necessary for providing any material fact, Court is at liberty in granting permission to put necessary questions.

5. The main contesting parties, who cross examined the witnesses are Accused 1 and 2. The learned counsel for first respondent/A-1 submitted that under the guise of re-examination some new facts or new materials should not be brought in, thereby nullifying the effect of cross-examination. By allowing



such petitions, the purpose of cross-examination would get defeated and great prejudice would be caused to the accused. He further submitted that for the purpose of clarification, ambiguity can be pointed out but no new material can be brought on record in the guise of such clarification.

6. The learned counsel for the second respondent/A-2 submitted that by seeking re-examination, the purpose of the learned Public Prosecutor is to nullify the cross-examination so far conducted. Further in this case already other two witnesses, who are speaking to the similar facts, examined, but no re-examination sought for those two witnesses. Further, with regard to the person, who authored the report and custody of the file, all are available in the report and the report was already marked as Ex.P11 and hence, no further clarification is required.

7. The learned counsel for the other accused are adopting the submissions made by A-1 and A-2.

8. Considering the submissions made on either side and upon perusal of the material, it is seen that the learned Public Prosecutor even on the date of cross-examination, sought permission to re-examine the witnesses pertaining to



the answers given during cross-examination. The learned Public Prosecutor though pointed out several lines in the cross-examination to show that there is some confusion or ambiguity is created, the trial Court considered the submission of A4 that there is no ambiguity in the evidence adduced by the witnesses and also supported by other counsels for the accused. The trial Court finding that the evidence of PW-116 already clarified with regard to certain portions now sought for clarification by the learned Public Prosecutor, which is already available on record, denied the permission for re-examination, which is not proper. When the trial Court referred to several lines in the cross-examination, which was pointed out by the learned Public Prosecutor, it is the duty of the trial Court to record what are the lines which had been brought on record and how these lines already clarified in the evidence of PW-116 and the same should have been extracted, reasons are necessarily to be given justifying denial of re-examination. No doubt, after re-examination, the counsel for the accused can very well further cross examine the witnesses and this right is not denied. The Hon'ble Apex Court in the case of *Rammi vs. State of Madhya Pradesh*, observed as follows:

“16. The very purpose of re-examination is to explain matters which have been brought down in cross-examination. Section 138 of the Evidence Act outlines the amplitude of re-examination. It reads



thus:

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"138.

Direction of re-examination - The re-examination shall be directed to the explanation of matters referred to in cross-examination: and if new matter is, by permission of the court, introduced in re-examination, the Adverse party may further cross-examine upon that matter"

17. There is an erroneous impression that re-examination should be confined to clarification of ambiguities which have been brought down in cross-examination. No doubt, ambiguities can be resolved through re-examination. But that is not the only function of the re-examiner. If the party who called the witness feels that explanation is required for any matter referred to in cross-examination he has the liberty to put any question in re examination to get the explanation. The Public Prosecutor should formulate his questions for that purpose. Explanation may be required either when the ambiguity remains regarding any answer elicited during cross-examination or even otherwise. If the Public Prosecutor feels that certain answers require more elucidation from the witness he has the freedom and the right to put such questions as he deems necessary for that purpose, subject of course to the control of the court in accordance with the other provisions. But the court cannot direct him to confine his questions to ambiguities alone which arose in cross examination.

18. Even if the Public Prosecutor feels that new matters should be elicited from the witness he can do so, in which case the



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only requirement is that he must secure permission of the court. If the court thinks that such new matters are necessary for proving any material fact, courts must be liberal in granting permission to put necessary questions.

19. A Public Prosecutor who is attentive during cross-examination cannot but be sensitive to discern which answer in cross-examination requires explanation. An efficient Public Prosecutor would gather up such answers falling from the mouth of a witness during cross-examination and formulate necessary questions to be put in re-examination. There is no warrant that re-examination should be limited to one or two questions. If the exigency requires any number of questions can be asked in re-examination.”

9. In view of the above, this Court finds that denying permission for re-examination of the witness, by the trial Court is not proper. In view of the same, the order dated 19.08.2025, i.e., denying permission for re-examination, alone is set aside.

10. The learned Public Prosecutor is permitted to re-examine PW-116 and to clear the ambiguity, which the Public Prosecutor wants to get it clarified. With regard to new facts, it cannot be brought in automatically unless it is brought to the notice of the trial Court and the trial Court after satisfying with the above requirements and after hearing the objections of the respondents can take appropriate decision if any such steps taken.



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11. With the above observations and directions, the Criminal Revision
Case is allowed.

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Index: Yes/No
Speaking / Non-speaking order
Neutral citation : Yes/No
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To

- 1.The XIII Additional Special Judge (CBI Cases),
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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