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Crl.O.P.No.2118 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

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

Crl.O.P.No.2118 of 2026

Saranraj

...Petitioner

Vs.

State Rep By,
The Inspector of Police,
Perambalur Police Station,
Perambalur District.
Crime No.263 of 2017

...Respondent

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to set aside the Order dated 24.11.2025 passed in Crl.M.P.No.150 of 2025 in Spl.S.C.No.31 of 2018 by the Learned Sessions Judge, Special Court for Trial of Cases Under SC and ST (PoA) Act, Perambalur.

For Petitioner : Ms.T.Hemalatha

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order in Crl.M.P.No.150 of 2025 in Spl.S.C.No.31 of 2018, passed by the learned Sessions Judge, Special Court for Trial of Cases Under SC and

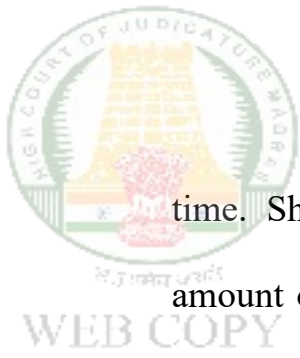


ST (PoA) Act, Perambalur.

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2. The learned counsel appearing for the petitioner submitted that the petitioner has been arrayed as 2nd Accused in Crime No.263 of 2017, registered by the respondent police for the offences under Sections 294(b), 417, 420, 506(i), 306 and 109 of IPC and Sections 3(1)(r), 3(1)(s) & 3(2)(v) of the SC/ST (PoA) Act and the petitioner is facing trial in Spl.S.C.No.31 of 2018. He further submitted that the petitioner had filed an application in Crl.M.P.No.150 of 2025, seeking to recall PW.1 to PW8, PW.13 and PW.14 for cross-examination. The learned trial Judge allowed the application on condition that the petitioner shall pay costs of Rs.5,000/- each to PW.1 to PW.7 and PW.14, totalling Rs.40,000/-, to be deposited before the trial Court on or before 05.12.2025, failing which the application would stand automatically dismissed. Since the petitioner failed to pay the costs within the stipulated time, the application was dismissed. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner further submitted that the petitioner hails from a poor background and hence, the petitioner was unable to raise a sum of Rs.40,000/- towards costs within the stipulated



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time. She further submitted that the petitioner has now raised the said amount of Rs.40,000/- and is prepared to deposit the same before the trial Court. The petitioner also undertakes to cross-examine the witnesses on the very same day of their appearance before the Court. She further submitted that if an opportunity to recall and cross-examine the witnesses is not granted, it would amount to denial of a fair opportunity to the defence, resulting in grave prejudice to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the trial Court, while allowing the application, had imposed a condition directing the petitioner to pay costs of Rs.5,000/- each to the witnesses, totalling Rs.40,000/-. Since the petitioner has not complied with the said conditional order, the application was dismissed.

5. On consideration of the submissions, this Court directed the learned Government Advocate (Crl.Side) to obtain instructions from the respondent as to the present stage of the case and whether the witnesses could be produced for cross-examination on a date to be fixed by the trial Court. The learned Government Advocate (Crl.Side), on instructions, submitted that the case is now posted for arguments on 03.02.2026 and that



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the witnesses, who are from the same locality, can be produced before the trial Court.

6. Though there was some lapse on the part of the petitioner, denying an opportunity to recall and cross-examine the witnesses would amount to denial of a fair opportunity to the defence.

7. In view of the above, this Court is inclined to allow the petition, subject to the condition that the petitioner deposits a sum of Rs.40,000/- within a period of one week from the date of receipt of a copy of this order. On such deposit, the learned trial judge shall fix a date for the appearance of witnesses PW.1 to PW.8, PW.13 and PW.14 for cross-examination. On such date fixed by the Court, the petitioner shall cross-examine the said witnesses without fail. In the event of failure to cross-examine the witnesses on the said date, it is made clear that no further opportunity shall be granted.

8. With the above observations, this Criminal Original Petition is allowed.

02.02.2026

Note: Issue Order Copy on 03.02.2026
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Neutral Citation: Yes/No

To

1.The Sessions Judge, Special Court for Trail of Cases Under SC and ST (PoA) Act, Perambalur.

2.The Inspector of Police,
Perambalur Police Station,
Perambalur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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