



WEB COPY

CRL A No. 1959 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1959 of 2025

AND

CRL MP NO. 24561 OF 2025

Gouse Basha (kalupa)

S/o.Hakkim Basha

..Appellant(s)

Vs

The State

rep.by, The Inspector of Police,

Vellore North Police Station,

Vellore District.

Cr.No.294/2023.

..Respondent(s)

PRAYER : Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to set aside the order passed by the learned Sessions Court for trial cases under SC/ST Act (Prevention of Atrocities Act), Vellore, Vellore District in Crl.MP.No.562/2025 in Spl.S.C.No.29/2023 dated 25.11.2025.

For Appellant(s):

Mr.E.Kannadasan

For Respondent(s):

Mr.S.Balaji,

Government Advocate (Crl. Side)

JUDGMENT

The Criminal Appeal challenges the dismissal of the petition filed by the petitioner under Sec. 348 of B.N.S.S., 2023, to recall the witnesses P.W.2 to P.W.23 before the Sessions Judge, Sessions Court, for trial cases under SC/ST (Prevention of Atrocities) Act, Vellore.



2. The petitioner is facing prosecution under Sections 448, 376 of I.P.C. r/w 3(1)(w)(i), 3(2)(va) of SC/ST (POA) Act. Since the petitioner had not cross-examined PW2 to PW23, he filed a petition to recall those witnesses for the purposes of cross-examination. The learned Judge dismissed the said petition on the ground that the same has been filed only to delay the proceedings and sufficient opportunity was given to the petitioner to cross-examine those witnesses.

3. The learned counsel for the petitioner, however, would submit that the petitioner was ignorant of the consequences of not cross-examining the witnesses; that there was no effective representation on his side; that if he is not permitted to cross-examine these witnesses, his valuable right to a fair trial would be denied; and that the victim is no more and the other witnesses are neighbours who had allegedly seen the petitioner outside the house of the victim.

4. It is seen that the petitioner had not availed of his opportunity to cross-examine the above-mentioned witnesses. The petitioner cannot take advantage of his own own wrong and seek recall for cross-examining the witnesses. Therefore, the learned Judge is right in dismissing the petition filed by the petitioner.



5. It is now stated that the case is posted for the examination of the investigating officer. The petitioner is entitled to enter upon his defence after the questioning under Section 313 of the Cr.P.C. At that stage the petitioner can produce any witness or seek their attendance for the purpose of cross-examination. The learned Judge may consider any such request made by the petitioner at the stage of defence, provided the witnesses are essential and the petition is not made to delay the proceedings. It is needless to say that as and when any such permission is granted by the learned Judge, the petitioner shall cross-examine the witnesses on the same day fixed by the learned Judge.

6. With the above observations, this Criminal Revision Case is disposed of. Consequently, the connected miscellaneous petition is closed.

12-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RPP/ars

To

1. The Sessions Judge, Sessions Court for trial cases under SC/ST (Prevention of Atrocities) Act, Vellore.

2. The Inspector of Police, Vellore North Police Station, Vellore District.



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3. The Public Prosecutor, High Court, Madras.

SUNDER MOHAN J.

RPP/ars

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