



CRL OP(MD). No.464 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/01/2026

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.464 of 2026

1. Balakrishnan,

2. Latha

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep By The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
Cr.No.269/2017.

2. Maduraiveeran

... Respondents

PRAYER :-

To call for the records and set aside the order dated 10.11.2025 made in Cr.M.P.No.883 of 2025 in Spl S.C.No.43 of 2019, on the file of the Sessions Judge, Spl Court for Trial of cases registered under SC/ST(POA) act, 1989, Ramanathapuram.

For Petitioner : Mr. G.Vishnuram,
Advocate.

For Respondent : Mr.S.Ravi for R1
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to call for the records and set aside the order dated 10.11.2025 made in Cr.M.P.No.883 of 2025 in Spl S.C.No.43 of 2019, on the file of the Sessions Judge, Spl Court for Trial of cases registered under SC/ST(POA) act, 1989, Ramanathapuram.

2. Learned counsel for the petitioner submitted that petitioners are accused Nos.5 and 6 before the trial Court. A petition was filed by the petitioners before the trial Court under Section 348 of BNSS to recall PW 3 to PW 5 for the purpose of cross examination. However, the same was dismissed by the Learned Trial Court. Therefore, they seek indulgence of this Court.

3. Per contra, learned Additional Public Prosecutor submitted that there is no infirmity in the impugned order and the learned Trial Court had rightly dismissed the petitioners' application considering the delay of one year, in filing a petition under Section 348 of BNSS, that too, without any valid reason. Hence he sought for dismissal of this petition.



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4. Considering the submissions of the learned counsel for the petitioners that without cross examining the witnesses P.W.3 to P.W.5, the purpose of the entire trial would not be satisfied and considering the fact that P.W.3 to P.W.5 are eye witnesses, in order to ensure fair trial, the impugned order is set aside and the learned trial court is directed to permit the petitioners to recall PW.3 to P.W.5 between 09.02.2026 to 13.02.2026 and conclude the cross examination without any further delay, on payment of Rs.2,000/- (Rupees Two Thousand only) (Rs.1000/- each), to the District Legal Services Authority, Ramanathapuram. It is made clear that the petitioners shall not be permitted to seek any adjournment in this regard and they should conclude cross examination of each of the witnesses in a single slot as fixed by the learned trial Court.

5. With the above directions, this Criminal Original Petition is allowed.

09.01.2026

NCC : yes / no
Index : yes /no
Internet : yes / no
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L.VICTORIA GOWRI, J

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To

- 1.The Sessions Judge, Special Court for Trial of cases
under SC/ST(POA) act, 1989, Ramanathapuram.
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
Cr.No.269/2017.

ORDER
IN
CRL OP(MD) No.464 of 2026

Date : 09/01/2026