



CRL OP(MD). No.3742 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3742 of 2026

Gurusamy @ Gnanagurusamy

... Petitioner /Petitioner /
Accused

Vs

The State represented by
The Inspector of Police,
Aruppukkottai Taluk Police Station,
Virudhunagar District.
(Crime No.277 of 2020)

... Respondent /Respondent /
Complainant

PRAYER :-

To set aside the order dated 23.09.2025 passed in Cr.M.P.No.130 of 2025 in Spl.S.C.No.11 of 2022 on the file of the Learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur and direct the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur to recall P.W.8, P.W.11, P.W.14, P.W.18, P.W.19, P.W.20 for further cross examination in Spl.S.C.No.11 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur by allowing this Criminal Original Petition.



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For Petitioner : Mr.S.Maya Perumal
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to set aside the order dated 23.09.2025 passed in Cr.M.P.No.130 of 2025 in Spl.S.C.No.11 of 2022 on the file of the Learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur and direct the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur to recall P.W.8, P.W.11, P.W.14, P.W.18, P.W.19, P.W.20 for further cross examination in Spl.S.C.No.11 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur by allowing this Criminal Original Petition.

2. The learned counsel for the petitioner submitted that the petitioner is the sole accused in the pending trial in Spl.S.C.No.11 of 2022 on the file of the Learned trial Court. He had filed a petition under Session 348 of BNSS to recall the witnesses P.W.8, P.W.11, P.W.14,



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P.W.18, P.W.19, P.W.20 for the purpose of cross examination. However, the same has been dismissed by the impugned order dated 23.09.2025 by the learned trial court, without any proper reason and sought for the indulgence of this Court.

3. The learned Additional Public Prosecutor submitted that the petitioner has filed an application for recall of witnesses before the trial Court stating that the counsel was out of station. P.W.1 to P.W.9, were examined on 04.02.2025 and P.W.1 to P.W.7 and P.W.9 were cross examined on the same, but PW8 was not cross examined on that day. P.W.10 to P.W.13 were examined on 06.02.2025 and on the same day, P.W.10, P.W.12 and P.W.13 were cross examined, except P.W.11. On 07.02.2025, P.W.14 to P.W.16 were examined and on the same day P.W.15 and P.W.16 were cross examined, except P.W.14. On 14.02.2025, P.W.17 to P.W.19 were examined and on the same day P.W.17 alone was cross examined and P.W.18 and P.W.19 were not cross examined. Therefore, the reasons assigned by the petitioner that the counsel was out of station on that dates, is a false one, which was also observed by the learned trial Court in paragraph No.7 of the impugned order.



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4. Heard either sides and carefully perused the materials available on record.

5. As rightly contended by the Learned Additional Public Prosecutor, I do not find any infirmity in the impugned order and the Learned trial Court relying upon the judgment of the Honourable Supreme Court in *Vinothkumar versus State of Punjab* dated 23/9/2014, where the Honourable Supreme Court had reprimanded the practice of trial Courts prolonging the trial of the serious offenses, had dismissed the petition under Section 348 BNSS on legitimate reasons.

6. However considering the seriousness of the offense involved to ensure fairness in trial, the impugned order is set aside, directing the trial Court to permit the petitioner to cross examine the P.W.8, P.W.11, P.W.14, P.W.18, P.W.19, P.W.20 in one slot in a single day on payment of Rs. 3000/- (Rupees Three Thousand only) as witness bata to each of the witnesses and Rs.5000/-(Rupees Five Thousand only) for establishing an E-Library to the credit of the MBHAA, in Indian Bank, Madurai Bench of Madras High Court Branch, Account No.496038755 IFSC



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No.IDIB000H040, MICR Code: 625019020. On such payment, the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur, is directed to permit the petitioner to cross examine those witnesses.

7. With the above direction, this Criminal Original Petition is allowed.

23.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Inspector of Police,
Aruppukkottai Taluk Police Station,
Virudhunagar District.
- 2.The Sessions Judge,
Special Court for Trial of SC/ST(POA) Act Cases,
Virudhunagar District at Srivilliputhur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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L. VICTORIA GOWRI,J

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ORDER
IN
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