



CRL OP(MD). Nos.3833 and 3834 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). Nos.3833 and 3834 of 2026
and
Crl M.P(MD)Nos.4122 and 4123 of 2026

S.Girinivasaprasad

... Petitioner
in both Petitions

Vs

The State represented by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.2190 of 2011)

... Respondent
in both Petitions

COMMON PRAYER :-

To set aside the order passed in M.P.Nos. 10 and 11 of 2026 in S.C. No. 203 of 2022 dated 12.02.2026 on the file of the Assistant Sessions Court, Valliyoor and permit the petitioner to cross examine the witness P.W.1, P.W.2 and P.W.4.

For Petitioner : Mr.SC.Herold Singh

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to set aside the order passed in M.P.Nos.10 and 11 of 2026 in S.C. No. 203 of 2022 dated 12.02.2026 on the file of the Assistant Sessions Court, Valliyoor and permit the petitioner to cross examine the witness P.W.1, P.W.2 to P.W.4.

2. The learned counsel for the petitioner submitted that the petitioner is a sole accused in the pending trial in S.C.No.203 of 2022 on the file of the learned Assistant Sessions Court, Valliyoor, who is also a practicing Advocate. Two petitions in M.P.Nos.10 and 11 of 2026 were filed by the petitioner for recalling PW1, PW2 and PW4. The reason stated by the petitioner for recalling PW1 is that the prosecution has not mentioned about the records in Crime No.827 of 2011, that is CC No.9 of 2020. Therefore, P.W.1 was not cross-examined. The learned counsel for the petitioner further submitted that the reason for recalling P.W.2 to P.W.5 is that the records in Crime No.827/2011 ie., C.C.No.9 of 2020 and he is in need of those documents. However, the same was dismissed.



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3. The learned Additional Public Prosecutor submitted that PW1 was examined on 12/11/2024, PW2 to PW4 were examined on 3/1/2026. Though the petitioner was present on that date in Court and being a lawyer, knowing the intricacies of criminal trial and law, without utilizing the opportunity to cross-examine PW1 to PW4 on the same day and without filing any application for cross-examination of witnesses, later, the petitioner had filed the said applications in MP Nos.10 and 11 of 2026. Only recording the same, the learned trial court had dismissed the applications and there is no infirmity in the same and sought for a dismissal of the Criminal Original Petitions.

4. Heard both sides and perused the materials available on record.

5. A careful perusal of the records would make it clear that there is no infirmity in the impugned order as rightly contended by the learned Additional Public Prosecutor and that too the learned trial court had dismissed the same ruling upon the judgment of the Honourable Apex



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Court in *Vinod Kumar versus State of Punjab*¹ and *Hariyana versus*

*Ram Mahar*². However, for ends of fair trial, the impugned order is set aside and the learned trial Court is directed to afford opportunity to the petitioner to cross examine the witnesses PW1 to PW4 in a single slot to the same day without any further adjournment on payment of Rs.1000/- (Rupees One Thousand only) to each of the witnesses, as witness batta and on payment of 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 No.IDIB000H040, MICR Code: 625019020. On such payment, the learned Assistant Sessions Judge, Valliyoor, is directed to permit the petitioner to cross examine the witnesses P.W.1 to P.W.4.

6. With the above direction, these Criminal Original Petitions are allowed. Consequently connected miscellaneous petitions are closed.

23.02.2026

NCC : Yes/No
Index : Yes / No

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- 1 2015 (3) Crime SC 269
2 2017 (1) MLJ CrI. 437

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To

- 1.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 2.The Assistant Sessions Court,
Valliyoar.
- 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
CRL OP(MD) Nos.3833 and 3834 of 2026

Date : 23/02/2026