



Crl.O.P.(MD).No.6631 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.6631 of 2026

and

Crl.M.P(MD) No.7192 of 2026

1. M.Manikandan
2. M.Manimaran
3. P.Manivannan
4. Raman
5. Kannan @ Malaiyandi
6. Chellapandi

...Petitioners/
Accused Nos.1 to 6

Vs

1. State Represented through
The Deputy Superintendent of Police,
Theni Sub Division,
Palanichettipatti Police Station,
In Crime No.449 of 2021

... 1st Respondent/
Complainant

2. R.Balamurugan

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order dated 04.02.2026 passed



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in Crl.M.P.No.10 of 2026 in Spl.S.C.No.47 of 2022 on the file of the learned Special Court for Trial of cases under SC/ST (POA) Act, Theni and direct the learned Special Court for Trial of cases under SC/ST (POA) Act, Theni to recall P.W.8 for further cross examination in Spl.S.C.No.47 of 2022 on the file of the learned Special Court for Trial of cases under SC/ST (POA) Act, Theni, by allowing this Criminal Original Petition.

For Petitioners : Mr.K.Ashok Kumar Ram

For R1 : Mr.Thanga Aravindh B
Government Advocate (Crl.Side)

ORDER

The present petition has been filed by the accused persons in Spl.S.C.No.47 of 2022 on the file of the Special Court for Trial of cases under SC/ST (POA) Act, Theni, seeking to set aside the order dated 04.02.2026 passed in Crl.M.P.No.10 of 2026, wherein the application filed by the petitioners to recall P.W.8 has been rejected.

2. A perusal of the records reveal that the petitioners are charged with the offence under the SC/ST (POA) Act. P.W. 1 to P.W. 7 have already been examined and the defence counsel has also cross examined. P.W.8, who is the Investigating Officer was chief examined on 09.12.2025. On the said date, the



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petitioners' counsel has not chosen to cross examine P.W.8. Thereafter, the present application has been filed on 12.01.2026 under Section 348 of B.N.S.S., to recall P.W.8 for cross examination.

3. According to the learned counsel appearing for the petitioners, since the petitioners' counsel was not present on the said date, cross examination could not be conducted. A perusal of the impugned order reveals that the counsel of the petitioners' were present on the said date and an application under Section 355 BNSS has been filed on behalf of A3 to A6.

4. According to the learned counsel appearing for the petitioners, as the Advocates were refraining from attending court, the petitioners were unable to cross-examine PW.8. He further submits that the matter is posted for hearing on 08.04.2026, and that they will conduct the cross-examination without any delay.

5. Considering the fact that the present application has been filed without any delay, this Court is inclined to set aside the order in Crl.M.P.No. 10 of 2026, in order to afford an opportunity to the petitioners. In view of the



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above said facts, this Court is inclined to pass the following order:

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a). The order dated 04.02.2026 in Crl.M.P.No.10 of 2026 in Spl.S.C.No.47 of 2022 on the file of the learned Special Court for Trial of cases under SC/ST (POA) Act, Theni, is set aside;

b). The petitioners are directed to complete the cross examination of P.W.8 on a single day i.e., on the date on which P.W.8 appears; and

c). It is made clear that no further opportunity would be granted to the petitioners.

6. With the above said observation, this Criminal Original Petition is allowed to the extent as stated above. Consequently, connected Miscellaneous Petition stands closed.

06.04.2026

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



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To

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1. The Deputy Superintendent of Police,
Theni Sub Division,
Palanichettipatti Police Station,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Special Court for Trial of cases
under SC/ST (POA) Act, Theni,



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R.VIJAYAKUMAR,J.

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