



CrI.O.P.(MD)No.2780 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.2780 of 2026
& CrI.M.P.(MD)No.3082 of 2026

1.Karuppu @ Pattiyan
2.Parthipan
3.Prabhu

... Petitioners

Vs.

1. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Devadanapatti Police Station,
Theni District.
Crime No.503 of 2020.

2. Rameshwari

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to set aside the impugned order in Cr.M.P.No.222 of 2025 in Spl.S.C.No.188 of 2020 on the file of the Learned Special Court for Trial of Cases under SC/ST(POA) Act, Theni, dated 09.10.2025 by allowing the Criminal Original Petition.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.S.Ravi (R1)

Additional Public Prosecutor



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ORDER

The petitioner seeks to set aside the order passed in Cr.M.P.No.222 of 2025 in Spl.S.C.No.188 of 2020 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Theni, dated 09.10.2025.

2. The learned counsel appearing for the petitioners submitted that the petitioners are the accused persons in the pending trial in Spl.S.C.No.188 of 2020 before the trial Court. The petitioners filed a petition under Section 348 of BNSS to recall PW1 to PW3 for cross examination. However, the same was dismissed by way of the impugned order without assigning any proper reason. Hence, this petition came to be filed.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that, there is no infirmity in the impugned order passed by the trial Court. PW1 and PW3 are women, who are coolie workers hailing from villages and PW3 is an auto driver, who is depending on his driving profession, who cannot frequent to the Court very often. Therefore, the trial Court dismissed the said petition observing that if they are recalled, it will be very difficult for them to appear before the trial Court and also recording



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that the petitioners' counsel failed to cross examine the said witnesses, when they were examined in chief.

4. The learned Additional Public Prosecutor appearing for the respondent police further submitted that, the petitioners sought to recall the witnesses without any proper reason, but on the reason that they did not obtain certain documents at that point of time and therefore, the same was negated by the trial Court and there is no infirmity in the same, since the trial under the Special Court for Trial of Cases under SC/ST(POA) Act, Theni has to be concluded in a day-to-day basis within a period of one year. However, the instant case is pending for more than one year before the trial Court and sought for dismissal of this petition.

5. This Court has considered that PW 1 and PW2 are women and PW 3 is also an auto driver, whose income will be affected if they are frequently called to appear before the Court for cross-examination. However, in order to ensure a fair trial, as claimed by the learned counsel appearing for the petitioners, this Court, while setting aside the impugned order dated 09.10.2025 in Cr.M.P.No.222 of 2025 in Spl.S.C.No.188 of 2020 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Theni, hereby directs the



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petitioners to pay the witness batta of Rs.3,000/- (Rupees Three Thousand only) to each of the witnesses, ie., PW1 to PW3 and to recall the witnesses PW1 to PW3. It is made clear that the trial Court shall permit the petitioners to cross-examine the witnesses PW1 to PW3 on a day to day basis, which shall be concluded expeditiously within a period of three days.

6. With the above direction, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

11.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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



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L.VICTORIA GOWRI, J.

Sm

Order made in
CrI.O.P.(MD)No.2780 of 2026

Dated
11.02.2026