IN THE PRINCIPAL DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, GUDALUR

PRESENT:THIRU. G.SARAVANAKUMAR, B.A., B.L., (Hon's)
Principal District Munsif-cum-Judicial Magistrate, Gudalur.
Monday, Dated 6th day of July' 2026.

C.M.P. No: 284 /2026
in
S.T.C.No. 255/2023

Edwin Mahesh -- Petitioner/ Accused

-Vs-

P.J.Peter -- Respondent/ Complainant

For Petitioner : Mr. S.B.Vivin and Mr.C.Saravanakumar

For Respondent : Mr.V.J.Jibin and Mr.R.Ashok

ORDER

1. This petition has been filed by the Petitioner / Respondent under section 311 of Cr.p.c, for seeking permission to recall the PW1 for purpose of further cross examination.

2. **THE GIST OF THE AVERMENTS OF THE PETITION AS FOLLOWS:**

The petitioner states that on 06.10.2025, the respondent / complainant cross examined in full. The petitioner/ accused submits that the Respondent / Complainant had admitted in cross examination held on 06.10.2025 in para 7 of his examination that he has filed his tax returns for the year 2022 ie Assessment year 2023 and he is ready to produce the same before this court. The balance of inconvenience lies in his favour and further to adduce rebuttal evidence from the witnesses ie. PW1, it is just and necessary to cross examine him pertaining to his tax returns. Hence this petition.

3. **THE GIST OF COUNTER OF RESPONDENT AS FOLLOWS:**

In paragraph No.7 of the deposition of Pw1 dated 06.10.2025, the Respondent / Complainant had clearly stated that he is an income tax assessee and that he had filed income tax returns for the year 2023. The Respondent / Complainant had further stated that the amount in question was agricultural income and therefore the same was not shown in the income tax returns. The relevant portion of the deposition has already been recorded before this court. The present petition is devoid of merits and has been filed only for the purpose of dragging on the proceedings and causing unnecessary delay in disposal of the case. Hence, this petition liable to be dismissed.

4. Heard both side and Records perused.

5. **The point for consideration is that whether the petition is to be allowed and the PW1 to be recalled for further cross-examination ?.**

THE POINT:

6. The Learned counsel for the petitioner submitted that, the Pw1 was cross examined on 06.10.2025, in his cross examination, he filed his tax returns and he is ready to produce the same before this court. Therefore it is necessary to recall the Pw1 to arrive a just conclusion in this case. Hence prays to allow the petition.

7. Per Contra, the Learned counsel for respondent submitted that, the petitioner is not entitled to recall the PW1 and that the PW1 ought to be cross examined on the day of examined in chief and the PW1 was already elaborately cross-examined. Hence prays to dismiss the petition.

8. On careful perusal of records and submission of both side, it appears that the PW3 was examined in chief on 14.08.2024 and he was cross examined on 08.08.2025 and 06.10.2025. Now the case is at the stage of Defense evidence.

9. In ***Vinoth kumar -vs- State of Punjab Crl Appeal 554/2012 dated 21.01.2015***, our Hon’ble Supreme Court held that cross examination to be done on the very same day of chief examination. In this case, the this court granted sufficient time to the petitioner to cross-examine the PW1 and the petitioner also made elaborate cross-examination against the PW1, no valid reasons is stated in the petition for recall of PW1.

10. Considering the facts and circumstances, already the PW1 was cross-examined elaborately and also in the interest of justice, this court is not inclined to grant permission to recall the PW1. In the light of the above discussion, this court has come to a conclusion that this petition is devoid of merits and liable to be dismissed. The point is answered accordingly.

11. **In the result, this petition is dismissed.**

Directly typed by Steno typist in the system attached with chamber and Pronounced by me in the open court on this the 6th day of July' 2026.

Sd/- G.SARAVANAKUMAR
PRINCIPAL DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, GUDALUR.