

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: THIRU.A.K. MEHBUB ALI KHAN, B.L.M.,L.L.M.,
PG.D.PM/IR.Dip.in.J.J & J.Psy.,P.G.D.D.F.,
Principal District Judge, Ramanathapuram.**

Friday, the 20th day of February 2026

Cr.L.M.P.No.03/2025

in

S.C.No.183/2023

Subramaniyan @ Ajith ... Petitioner/Accused

-vs-

The State through the Inspector of Police

Uchipuli P.S., ... Respondent

This petition came on 09.02.2026 before this Court for final hearing in the presence of Thiru.K.Gunasekaran, Advocate for the Petitioner/Accused and Thiru.B.Karthikeyan, Public Prosecutor for the Respondent, and on heard their arguments and on perusal of records, this Court delivers the following:

ORDER

Petition is filed by the petitioner/accused u/s.311 of Cr.P.C.

2. The contention of the petitioner/accused in brief:

P.W.8 Karunamoorthy and P.W.9 Jegatheswaran were already examined on the side of the prosecution and were also cross examined on the side of the accused. P.W.8 is the witness who has video recorded the

statements of P.W.1 and P.W.2 and converted it into audio and issue certificate to that effect and handed over the cassettes to the investigating officer. Similarly, P.W.9 Jegatheswaran is the witness who had received the CDR details through online and had downloaded it and handed over to the inspector of police. While cross examining these witnesses certain questions regarding the device in which P.W.8 video recorded and the details of the CDR received through e-mail and the details of the device in which they were received were not put by the deffence. These questions are important to bring out the true facts and therefore P.W.8 and P.W.9 must be recalled and permitted to further cross examine them regarding these aspects. Unless they are recalled, the accused would be put to irreparable loss and hardships. Therefore, the petitioner prays to recall P.W.8 and P.W.9.

3. Contentions of the Respondent in brief:

These witnesses were already examined and the case is posted for arguments. There is no necessity to recall these witnesses for further cross examination. This application is filed only to delay the trial. If the petition is allowed, the prosecution would be seriously prejudiced and would be put to hardships. Therefore, the petition must be dismissed.

4. Point for determination in this petition is, “Whether the petition be allowed?”.

5. Heard the arguments on both sides.

Answer to Point

6. The witnesses P.W.8 and P.W.9 were examined by the prosecution and they were cross examined on behalf of the accused on 29.01.2024 and 23.07.2025. After completion of evidence, the case was posted for arguments. These two witnesses have spoken about the recording of statement of P.W.1 and other witnesses and he had handed over the C.D along with certificates. Similarly, P.W.9 had downloaded the CDR details received through e-mail and had submitted it to the inspector of police. These witnesses were already sufficiently cross examined in detail on behalf of the accused. Therefore, when the case is posted for arguments after completion of evidence this petition is filed stating that some important questions have to be put to these witnesses. The Hon'ble High Court and the Hon'ble Supreme Court have categorically observed that witnesses shall be recalled only in extraordinary circumstances and only when there is absolute necessity and serious prejudice would be caused to the accused. However, in this case, these two witnesses were already cross examined in detail and they cannot be recalled for further cross examination under the premise that some important questions were left out. Allowing this application would lead to harassment of the witnesses and also prejudice to the prosecution. Therefore, this court is of the considered

opinion that no valid reason or absolute necessity is made out by the accused to recall P.W.8 and P.W.9. Hence it is held that the petition is not maintainable and deserves to be dismissed.

In the result, the petition is dismissed with cost.

Dictated to Steno-Typist and transcribed and typed by her in computer, corrected and pronounced by me in open Court on this the 20th day of February 2026.

Principal District Judge,
Ramanathapuram.

**Witnesses and documents on
either side** : NIL

Principal District Judge,
Ramanathapuram.