



**IN THE COURT OF SESSIONS JUDGE, SPECIAL COURT FOR TRIAL  
OF CASES REGISTERED UNDER SC/ST (POA) ACT, 1989,  
RAMANATHAPURAM.**

**Present: Thiru.C.Mohanram, M.A., B.L.,  
Sessions Judge (FAC)**

**Monday the 02<sup>nd</sup> day of March 2026**

**Cr.M.P.No.37/2026**

**in**

**Spl.SC.No.19/2024**

Surya @ Kasivu (A3), Aged 21  
S/o.Ramalingam,  
Pasumbon,  
Kamuthi Taluk,  
Ramanathapuram District.

..... Respondent / Accused

*/Vs/*

State through the Deputy Superintendent of Police,  
Kamuthi Sub Division,  
Kamuthi Police Station,  
Crime No.37/2024.

..... Petitioner / Police

This petition was coming on this day 16.02.2026 for hearing before me in the presence of Thiru.B.Kaleeswaran, the learned counsel for the petitioner (A3) and Thiru.V.T.Ramakrishnan, the learned Special Public Prosecutor for the State and upon hearing both sides submissions, this Court passed the following.....

**ORDER**

This petition is filed U/s.311 of Crpc to recall cross examination of PW20 Thiru.Gurunathan who was examined on 01.08.2025 respectively for the purpose of cross examination.



2. The petitioner who is A3 in the case has stated that he has not got some important documents and now only he has got the same and therefore those witnesses could not be cross examined on the said day. Unless, the petitioner A1 is permitted to cross examination., then the truth could not be elicited to the Court and therefore for the interest of justice the petition may be allowed.

3. The respondent Police in his counter has stated that the petitioner / accused has not cross examined those witnesses, though sufficient opportunities were given. Now with the intention to drag trial proceedings, he has come forward with this application. The Hon'ble Supreme Court in the case of Vinothkumar Vs Punjab has held that the witnesses should be cross examined on the same day and the guidelines given by Hon'ble Supreme Court has not been followed and therefore this petition is liable to be dismissed as no merits.

4. Point of consideration is **“Whether this petition is liable to be allowed as prayed for ?”**.

5. This Court perused the records and considered the submissions made on either side. There is no valid reason given for non cross-examination of those witnesses on the way when they were examined. But the fact remains that the accused are in judicial custody for more than 2 years. No serious prejudice would



have been caused to the prosecution except the inconvenience caused to prosecution witnesses. Therefore, this Court is of the considered view that this petition can be allowed subject to the following terms.

In the result, this petition is allowed on condition that the petitioner /A3 shall pay a sum of Rs. 1,000/- to (District Mediation Centre) DMC, Ramanathapuram to be paid on or before 05.03.2026. Failing which this petition shall automatically will be dismissed call on 06.03.2026.

In the result, the petition is allowed.

Pronounced by me in open Court on this the 02<sup>nd</sup> day of March 2026.

Sessions Judge,  
Special Court for Trial of Cases  
Registered under SC/ST (POA) Act,  
Ramanathapuram(FAC).