

**IN THE COURT OF THE SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, SIVAGANGAI**

**PRESENT : Tmt.J.Anithachristy, M.L.,
Special Judge,
Special Court for Trial of Cases under
Prevention of Corruption Act, Sivagangai.**

Thursday the 18th day of June 2026

Crl.M.P.No.07/2026

(CNR No.TNSV10-000009-2026)

in

Spl.C.C.No. 01/2021

(CNR No.TNSV10-000261-2021)

Tmt.C.Jeeva

... Petitioner/Accused

- Vs -

State of Tamil Nadu through the
Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai.

... Respondents /Complainant

This petition was taken on file on 22.05.2026 and came up for final hearing before this court on 18.06.2026 in the presence of Tr.Jeyapaul, Tr.Sivakumar and Tr.Ayyambose advocates for the Petitioner/Accused and Tr.S.Suresh Kumar, Special Public Prosecutor and for the Respondents /Complainant and on hearing the arguments of both sides and upon perusing the case records and having stood over for consideration till this day, this court delivers the following ...

ORDER

1. The case of the petitioner is that P.W.1 (Sanctioning Authority), P.W.2 (De-facto Complainant) and P.W.3 (Shadow Witness) have already been examined in chief and that the defence could not cross-examine them at the relevant point of time as certain vital documents were required to be collected and perused from the Collectorate. It is contended that P.W.2 and P.W.3 are material witnesses to the prosecution case and unless an opportunity is granted to cross-examine them, grave prejudice would be caused to the accused. The petitioner has also expressed willingness to pay batta to the witnesses.

2. Per contra, the learned Special Public Prosecutor strongly opposed the petition contending that sufficient and adequate opportunities had been granted to the accused for cross-examination of the prosecution witnesses. It is submitted that P.W.1 was examined on 13.02.2024, P.W.2 on 27.02.2024 and P.W.3 on 23.10.2025. It is further submitted that the prosecution has already examined P.W.1 to P.W.9 and despite repeated opportunities, the defence had not chosen to cross-examine any of the witnesses. According to the prosecution, the reasons assigned by the petitioner are vague and wholly insufficient to justify the extraordinary delay. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in Vinod Kumar v. State of Punjab (Criminal Appeal No. 554 of 2012), wherein the Apex Court has deprecated the practice of deferring cross-examination and granting unnecessary adjournments.

3. The learned counsel for the petitioner/accused have relied upon the following judicial Citation in support of his contentions:

- 1. 2022 INSC 805.**
Varsha Garg Vs. The State of Madhya Pradesh & Ors.
- 2. 2013 AIR SCW 4179, 2013(14) SCC 461.**
Rajaram Prasad Yadav Vs. State of Bihar & Anr.

4. The learned special public prosecutor have relied upon the following judicial Citation in support of his contentions:

- 1. (2015) 3 SCC 220.**
Vinod Kumar Vs State of Punjab.
- 2. (2015) 2 LW(Cri) 458.**
Dharmaraj Vs The Inspector of Police, Pudukottai District.

Heard the submissions made on either side and perused the materials available on record.

5. The point for consideration :-

Whether this petition is to be allowed or not ?

6. The Point :-

The power conferred upon the Court under Section 348 BNSS is undoubtedly wide and is intended to enable the Court to arrive at a just decision. However, such power is discretionary in nature and is required to be exercised judiciously and not as a matter of course. The Court must be satisfied that the recall of witnesses is genuinely necessary for a just decision of the case and that the petition is not intended to fill up lacunae, protract the proceedings or cause prejudice to the opposite party.

6.1. In the present case, the records reveal that P.W.1, P.W.2 and P.W.3 were examined on different dates and adequate opportunities had been afforded to the accused to cross-examine them. However, the defence failed to avail the said opportunities. The explanation now offered by the petitioner that certain documents were required to be collected and verified does not satisfactorily explain the prolonged delay in seeking recall. Significantly, the petitioner has not specified the nature of the documents allegedly required, the steps taken to secure the same, or the reasons for not seeking appropriate relief at the relevant point of time. The explanation remains general and unsupported by any material.

6.2. Further the Hon'ble Supreme Court in Vinod Kumar v. State of Punjab (Criminal Appeal No. 554 of 2012) has observed that the practice of deferring cross-examination without valid reasons has a serious impact on the criminal justice delivery system. The Honble Apex Court has emphasized that cross-examination should ordinarily take place immediately after examination-in-chief and that unnecessary deferment provides scope for manipulation of witnesses and adversely affects the sanctity of evidence.

6.3. In the instant case, the witnesses sought to be recalled are not formal witnesses alone. P.W.1 is the sanctioning officer, P.W.2 is the defacto complainant and P.W.3 is the shadow witness, who are material witnesses to the prosecution case. Their evidence was recorded long ago and the present petition has been filed after

considerable lapse of time. It is further seen from the records that the prosecution has already examined P.W.1 to P.W.12 and the trial has substantially progressed.

6.4. This Court has carefully considered the rival submissions and the principles laid down in the decisions cited by both sides. While the petitioner seeks recall of the witnesses on the ground of ensuring a fair opportunity of defence, the prosecution relies upon the judgment of the Hon'ble Supreme Court in Vinod Kumar v. State of Punjab (Criminal Appeal No. 554 of 2012) and other decisions emphasizing that cross-examination should not be unnecessarily deferred and that recall of witnesses after an inordinate delay should not be permitted in the absence of compelling and satisfactory reasons.

6.5. Having considered the factual matrix of the case in the light of the legal principles governing recall of witnesses, this Court is of the view that the petitioner has not made out sufficient grounds for invoking the discretionary jurisdiction under Section 348 BNSS.

6.6. Further this Court cannot ignore the legitimate apprehension expressed by the prosecution that reopening the evidence after such delay may adversely affect the fairness of the trial and may cause prejudice to the prosecution case. It is well settled that while the right of cross-examination is an important right available to an accused, such right cannot be exercised in a manner that defeats the orderly conduct of trial proceedings.

6.7. Hence upon an overall consideration of the facts and circumstances of the case, this Court is of the view that the petitioner has failed to establish any sufficient reason warranting exercise of the discretionary power under Section 348 BNSS. The petition appears to be an attempt to reopen the evidence after prolonged delay and allowing the same would be contrary to the principles laid down by the Hon'ble Supreme Court and would result in further protraction of the trial. Accordingly, this Court finds no merit in the petition.

In the result,

the petition is dismissed.

Dictated to the Steno Typist, typed by him in the computer, printout taken, corrected and pronounced by me in open court on the **18th day of June, 2026.**

**Special Judge,
Special Court for Trial of Cases under
Prevention of Corruption Act,
Sivagangai.**