

**BEFORE THE II ADDITIONAL DISTRICT AND SESSIONS COURT,
THOOTHUKUDI**

**Present : Tmt. M. Breetha, M.L.,
II Additional District & Sessions Judge, Thoothukudi
Wednesday, the 8th day of April 2026
Crl.M.P. No.14/2026**

**in
S.C. No.95 /2021**

Siva (Age.25/2026)
S/o.Durairaj
1/59, West Street
Usarathukudiiruppu
Sathankulam Taluk,
Thoothukudi District.

.. Petitioner/Accused No.1

/ vs /

State of Tamil Nadu through
The Inspector of Police,
Thattarmadam Police Station,
Cr. No. 175/2020

... Respondent/ Complainant

This petition came before me for final hearing on today in the presence of Thiru.G.Rajan Subasis, learned counsel for the petitioner/Accused No.1, Thiru.D.Xavier Gnana Prakasam, Learned Additional Public Prosecutor for the State of Tamil Nadu and upon hearing the arguments of both side counsels and on perusing the records this court delivers the following:-

ORDER

This is a petition filed by the Petitioners/accused No.1 under section 311 of Cr.Pc to recall PW.1 and PW.2 for cross examination.

2. The case of the petitioners is that PW1 and PW.2 were examined on 24.11.2025 and on that day, the petitioner has cross-examined the above said witnesses. Now some documents have been received and on the basis of the above said documents, it is just and necessary to cross examine the above said witnesses and hence the petitioners/accused had filed this petition to recall P.W.1 and PW.2 for cross examination and prays to allow the same.

3. Resisting the petition, the respondent would contend that the reasons stated by the petitioner to recall PW.1 and PW.2 is not genuine and that sufficient opportunities was granted to the counsel for the petitioner/accused to cross examine the said witnesses on the day of their examination in chief and the witnesses were cross examined in length and that this petition has been filed to drag on the proceedings and to cause hardship to the witnesses and prays for dismissal of the petition.

4. Point for consideration:-

Whether this petition is to be allowed or not?

5. Point:

The petitioner is the accused no.1 in this case. The main case, stood posted for defence witnesses. At this stage, the petitioner has come forward with this petition to recall PW.1 and PW.2 for cross examination on the side of the petitioner/accused. Being the petitioner/accused in the main case, this Court is of the view that they shall be given sufficient opportunity to cross examine the witness to extract the truth. Therefore, in order to ensure fair trial and in the interest of justice, this court is of the view that it is a fit case to be allowed. But, at the same time, considering the delay caused by the petitioner and the hardship caused to the witnesses, this Court is of the view that this petition may be allowed on terms.

6. In the result, the petition stands allowed on condition that the petitioner shall pay a cost of Rs.5,000/- to PW1 and to pay a cost of Rs.3,000/- to PW.2 on the day of their appearance before this court for cross examination; failing which the petition stands automatically dismissed.

The order was dictated by me to the Steno-Typist, transcribed and printed out by her, then corrected and pronounced by me in open court, this the 8th day of April 2026.

II Additional District & Sessions Judge,
Thoothukudi.

