

BEFORE THE II ADDITIONAL DISTRICT AND SESSIONS COURT,
THOOTHUKUDI

Present : Tmt.M.Breetha, M.L.,

II Additional District & Sessions Judge, Thoothukudi

Thursday, the 09th day of July 2026

Cr.M.P. No. 9/2026

in

S.C. No. 187/2018

C.N.R. No. TNTT01-004250-2026

Muneeswaran (Age 29/2026)

S/o. Chetti Perumal

... Petitioner / Accused No.3

/Vs/

State of Tamil Nadu represented by

Inspector of Police,

Thalamuthunagar Police Station,

Crime No. 2/2017

... Respondent/ Complainant

This petition came before me for final hearing on 09.07.2026 in the presence of Thiru.A.Raja, Counsel for the petitioner/Accused and 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 petition has been filed under section 348 of B.N.S.S. to recall PW1 for cross examination.

2) Brief averments of the petition:

The petitioner has averred that PW1 was examined on the side of the prosecution on 11.06.2025 and also cross examined on the side of the A2, A4 and that he was not able to cross examine the witness and that it is necessary to cross examine PW1 and hence constrained to file this petition and prays to allow the case.

3) Contention of the counter filed by the respondent:

The respondent has contended that PW1 to PW4 were examined on the side of the prosecution on 11.06.2025 and that the petitioner had filed petition to recall PW1 for cross examination and that the petitioner has come forward with this petition to drag on the proceedings of the case and prays for dismissal of the petition with cost.

4) The point for consideration is whether this petition is to be allowed or not?

5) Both sides are heard. Records have been perused. The petitioner is the accused in S.C.187/2018. The main case stood posted for arguments on the side of A3. At this stage, the petitioner has come forward with this petition to recall PW1 for cross examination on the side of the accused. Being the accused in the main case, this Court is of the view that he 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 petition stands allowed. But, at the same time, considering the delay caused by the petitioner and the hardship caused to the respondent, this Court is of the view that the petition may be allowed on terms.

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

The order was dictated by me to the Steno-Typist, typed by her, then corrected and pronounced by me in open court, this the 09th day of July 2026.

**II Additional District & Sessions Judge,
Thoothukudi.**

**Draft/Fair Order
Crl.M.P. No. 9/2026
in
S.C. No. 187/2018
Date : 09.07.2026**