

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

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

II Additional District & Sessions Judge, Thoothukudi

Friday, the 19th day of June 2026

M.P. No. 17/2026

in

S.C. No. 193/2021

1) Pattu Pandi

2) Arun Kumar @ Perumal

... Petitioners /Accused 1 & 2

/ vs /

State of Tamil Nadu through

The Inspector of Police,

Eral Police Station,

Cr. No. 555/2020

... Respondent/ Complainant

This petition came before me for final hearing on 19.06.2026 in the presence of Thiru.S.Ragunath, learned counsel for the petitioner/Accused 1 & 2 and 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 Petitioner/accused under section 348 of B.N.S.S to recall PW1 and PW7 for cross examination.

2. The case of the petitioner is that PW1 has been examined in Chief on 24.03.2026 and PW7 has been examined in chief on 28.03.2026. As the learned counsel for the accused, was not cross examined PW1, PW7 on the time of chief and the case stood posted for issue summons to remaining LW's and that to secure justice, it is just and necessary to recall PW1, PW7 and hence constrained to file this petition and prays to allow the same.

3. Resisting the petition, the respondent would contend that the reason stated by the petitioner to recall PW1 & PW7 are not genuine and that PW1 and PW7

were cross examined on the petitioner on the day of their examination in chief and that this petition has been filed to drag on the proceedings and to cause hardship to the witness and hence, the respondent prays for dismissal of the petition.

4. Point for consideration:-

Whether this petition is to be allowed or not?

5. Point:

The petitioners are the accused 1 & 2 in this case. In the main case stood posted for issue summons to LW's. Now, they have come forward with this petition to recall PW1 and PW7 for cross examination. But at the same time, considering the delay caused and the hardships caused to the witness, this court is of the view that this petition shall be allowed on terms.

In the light of the above findings, the petition stands allowed on condition that the petitioner shall pay a cost of Rs.5,000/- to each PW1 and PW7 on the day of their appearance before this court for cross examination; failing which the petition stands automatically dismissed.

Dictated to the Steno-Typist by me typed by her and corrected by me on the 19th day of June 2026.

II Additional District & Sessions Judge,
Thoothukudi.

Draft/Fair Order
M.P. No. 17/2026
in
S.C. No. 193/2021
Dated : 19.06.2026