

In the Court of the Principal Sessions Judge, Villupuram

**Present : Thiru. A. Manimozhi, B.A., LL.B.,  
Principal Sessions Judge,  
Villupuram.**

Wednesday, the 26<sup>th</sup> day of November 2025

**Crl. M.P. No.3644/2025  
in Spl. Case. No.7/2021**

.....

Dhamotharan

... Petitioner/Accused

/Vs/

Station House Officer,

Ananthapuram P.S.,

Crime No.1696/2020

... Respondent/Complainant

This Petition coming on 19.11.2025 before me for final hearing in the presence of Tr.G.Rajaram, Advocate for the Petitioner/Accused and of Tr.T.S.Subramanian, Public Prosecutor for the State and upon hearing the arguments of both sides and on perusing the records and having stood over for consideration till this day, this court passed the following.....

**ORDER**

The Petitioner/Accused filed this petition under Section 348 of BNSS to recall PW13 Tmt.Ezhilarasi, Inspector of Police, for cross examination.

2. According to the petitioner, cross examination of PW13 was not done due to inconvenience of his counsel. In the interest of justice he has to be permitted to recall PW13 for cross examination. He undertakes to pay necessary batta to the witness.

3. The learned Public Prosecutor filed counter raising objection to this petition. The learned Public Prosecutor would contend that PW13 was examined on 22.07.2025 and Exs.P18 to P22 were marked and the case was posted for questioning the accused u/s.313(1)(b) Cr.P.C. This petition has been filed on 07.08.2025. The petition is very vague and does not state the reason to recall the witness. This petition has been filed only to delay the proceedings. As such it was prayed for dismissal.

4. Heard arguments on both sides and perused the records.

**5. Point for Consideration :**

Whether the petitioner has to be permitted to recall PW13 for cross examination?

**Answer to the Point :-**

6. The petitioner/accused is facing charges u/s.135(1)(e) of Electricity Act, 2003 and 304(ii) IPC. PW13 is the Investigating Officer who was examined on 22.07.2025 and Exs.P18 to P22 were marked and prosecution was closed on the said date. The accused was present on the

said date, but his counsel was not available for cross examination and when the accused was asked whether he is willing to accept the assistance of Legal Aid Defence Counsel for cross examination, he replied in the negative. Now, the only reason stated in the petition is that the inconvenience of the counsel. It is not a valid reason.

7. The perusal of records show that even the petitioner has adopted the same procedure in respect of many other witnesses in this case and filed a similar petition to recall the witnesses for cross examination and the same was allowed on terms. The said aspect is also require consideration by this Court.

8. However, the fact remains that the trial of the case is at the fag end and the only witness remain to be cross examined is PW13 and this petition has been filed immediately on the next hearing date. This court is inclined to allow this petition to advance substantial justice, however by imposing reasonable terms. The point is answered accordingly.

**RESULT :**

In the result, this petition is allowed on condition that the petitioner shall pay a cost of Rs.2,500/- to the District Mediation Centre, Villupuram on or before 03.12.2025 and file the cost memo with receipt on 04.12.2025,

failing which this petition shall stand dismissed automatically.  
The petitioner shall also file process to recall PW13 on the same date.  
Call on 04.12.2025.

Order dictated by me to the Stenographer, transcribed by him in the  
Computer, corrected and pronounced by me, in the open court, this the  
26<sup>th</sup> day of November 2025.

Principal Sessions Judge,  
Villupuram.

List of witness examined and document marked  
on the side of the Petitioner/Accused :- - Nil -

List of witness examined and document marked  
on the side of the Respondent/Complainant :- - Nil -

Sd/- A.M  
P.S.J.  
VPM.

Draft/Fair Order  
Crl..M.P. No.3644/2025 in  
Spl.Case. No.7/2021  
Dated : 26.11.2025