



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.V. MURALIDARAN

CRL.O.P. (MD) No. 13125 of 2017

WEB COPY

1. Muthukrishnan
2. Loganathan
3. Selvakumar
4. Sivachandran
5. Vijayakumar

... Petitioners/Petitioners/Accused 1 to 5

-Vs-

The State represented by
The Sub-Inspector of Police,
Thuraiyur Police Station,
Trichy District.

(Crime No. 113 of 2013) ... Respondent/Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the Judicial Magistrate, Thuraiyur, Trichy District in C.M.P.No. 4800 of 2017 in C.C.No. 107 of 2015 dated 04.09.2017 and set aside the same.

For Petitioners : Mr. M. Pitchai Muthu
For Respondent : Mr. K. Anbarasan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to call for the entire records pertaining to the order passed by the Judicial Magistrate, Thuraiyur, Trichy District in C.M.P.No. 4800 of 2017 in C.C.No. 107 of 2015 dated 04.09.2017 and set aside the same.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. The petitioners have filed the petition under Section 311 Cr.P.C. to recall P.Ws. 1 to P.W. 9, but the learned Judicial Magistrate, Thuraiyur permitted the petitioners to recall only P.Ws. 1 and 2. Hence, the petitioners have filed this petition.

4. The learned counsel appearing for the petitioners would submit that the petitioners would be satisfied if they are permitted to cross-examine P.Ws. 1 to 5 and 8 and the petitioners ~~advice counsel to take~~ to cross-examine the said witnesses on the date of appearance of the witnesses.



5. In view of the submissions made by the learned counsel appearing for the petitioners and in order to give one more opportunity to the petitioners, the order of the Judicial Magistrate, Thuraiyur dated 04.09.2017, made in C.M.P.No.4800 of 2017 is modified directing the Judicial Magistrate, Thuraiyur to recall P.Ws.1 and 5 and 8 into box and the petitioners are directed to cross-examine the witnesses on the same day. The Judicial Magistrate, Thuraiyur is also directed to dispose C.C.No.107 of 2015 within two months thereafter.

6. This Criminal Original petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Thuraiyur, Trichy District.

2. The Sub-Inspector of Police,
Thuraiyur Police Station,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.M.Pitchai Muthu, Advocate SR.No. 81298

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27.09.2017

SJ

JM/KP/SAR 1/26.10.2017/2P/5C