



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5267 of 2022

WEB COPY

K.T.Suresh Babu

...Petitioner/Petitioner/
Accused No.2

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Trichy, Trichy District.
(Crime No.4 of 2015)

...Respondents/Respondents/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records pertaining to the order passed by the Judicial Magistrate No.1, Trichy in Cr.M.P.NO.14725/2021 in C.C.NO.991/2021 dated 17/02/2022 and set aside the same.

For Petitioner : Mr.M.Pitchai Muthu

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

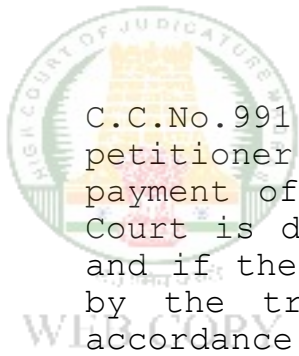
ORDER

This petition has been filed seeking direction to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.1, Trichy in Cr.M.P.No.14725 of 2021 in C.C.No.991 of 2021 dated 17.02.2022 and set aside the same.

2. The petitioner herein is arrayed as A2 in CC No.991 of 2011 having been taken cognizance for the offence under Section 420 of IPC. Prosecution has so far examined PW.1 to PW.10. PW.1 to PW.3 were examined chief on 16.10.2018. PW.7 and 8 were examined on 07.12.2019, PW.9 and PW.10 was examined in chief on 29.01.2019. After examination of prosecution witness when the matter was posted for questioning under Section 313 of Cr.P.C, the petition for recall of PW.1 to PW.10 was filed by the petitioner. In this case there are three victims namely PW.1, 5 and 6. Admittedly the petitioner did not cross examine prosecution witness. Therefore he may be given one more opportunity to cross examine atleast the victims namely PW.1, 5 and 6 to defend his case.

3. In view of the above, the order passed by the learned Judicial Magistrate No.1, Trichy in Cr.M.P.No.14725 of 2021 in

<https://hcservices.ecourts.gov.in/hcservices/>



C.C.No.991 of 2021 dated 17.02.2022 is partly set aside and the petitioner is permitted to cross examine PW.1,5 and 6 along on payment of necessary costs as fixed by the trial Court. The trial Court is directed to fix the date for cross examining PW.1,5 and 6 and if the petitioner fails to cross examine them on the date fixed by the trial Court and trial Court is directed to proceed in accordance with law. Further after cross examining PW.1,5 and 6 the trial Court is directed to complete the trial proceedings within a period of three months from the date cross examination PW.1,5 and 6.

4. With the above direction the petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.1, Trichy
2. The Inspector of Police,
District Crime Branch,
Trichy,
Trichy District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.5267 of 2022
22.03.2022

RK(31/03/2022) 2P 4C