



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.7665 of 2022

and Crl.M.P(MD) No.5225 of 2022

WEB COPY

Rajan

... Petitioner

Vs.

State Rep.by

The Inspector of Police,
Sholavandan Police Station

Madurai District

(Crime No.298 of 2015)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned order passed in Cr.MP.No.331 of 2022 in CC.No.504 of 2017 on the file of the Learned Judicial Magistrate court,Vadipatti and set aside the same and allow the direction petition.

For Petitioner : Mr.R.Karunanithi

For Respondent : Mr.R.M.Anbunithi

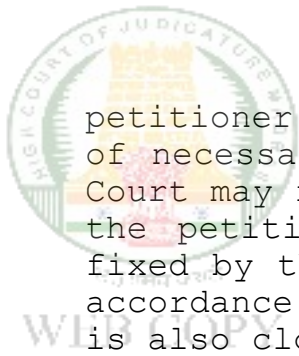
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the impugned order passed in Cr.MP.No.331 of 2022 in CC.No.504 of 2017 on the file of the learned Judicial Magistrate,Vadipatti and set aside the same and allow the direction petition.

2.The petitioner is the accused and he is charged for the offences under Sections 457 and 380 of IPC. Sofar prosecution has examined nine witnesses namely PW.1 to PW.9. PW.1 to PW.4 were cross examined and PW.5 to PW.9 were not cross examined. Perusal of record reveals that PW.5 to PW.7 were examined in chief on 15.11.2019. PW.8 was examined in chief on 29.11.2019. PW.9 was examined on 13.12.2019, however he did cross examine them. The petitioner has engaged new counsel and the new counsel on record filed a petition to recall PW.5 to PW.9 on 11.03.2022 and due to Covid-19 pandemic situation there was no physical hearing of courts and as such he could not cross examine the witnesses, hence he seeks one more opportunity to cross examine the witnesses.

3.Considering the above, the petitioner may be given one more opportunity to cross examine PW.5 to PW.9 . In view of the above the order passed by the learned Judicial Magistrate, Vadipatti in Cr.MP.No.331 of 2022 in CC.No.504 of 2017 dated 01.04.2022 is set aside and the criminal original petition is partly allowed. The



petitioner is permitted to cross examine PW.5 to PW.9 with payment of necessary costs that may be fixed by the trial Court. The trial Court may fix the date for cross examination of PW.5 to PW.9 and if the petitioner fails to cross examine PW.5 to PW.9 on the date fixed by the trial Court ,the trial Court is directed to proceed in accordance with law. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Vadipatti
2. The Inspector of Police,
Sholavandan Police Station
Madurai District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-21392[F] dated 26/04/2022)

CrI.O.P.(MD) No.7665 of 2022
26.04.2022

RS (06.05.2022) 2P-5C