



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

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

Crl.O.P.(MD) No.7992 of 2022

WEB COPY

Kannan

...Petitioner

Vs.

State Represented by  
Inspector of Police,  
Kalayarkovil Police Station,  
Sivagangai District  
in Cr.No.150 of 2016

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to admit this petition and call for the records pertaining to the Order dated 10.3.2022 in Crl.M.P. No.2537 of 2020 in C.C.No.13/2020 on the file of the Chief Judicial Magistrate, Sivagangai, Sivagangai District and set aside the same.

For Petitioner : Mr. S.Ragaventhre

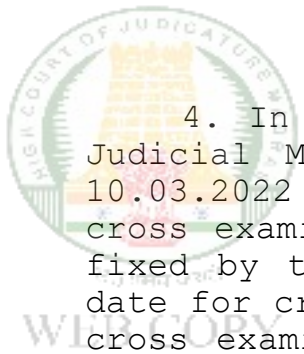
For Respondent : Mr. R.M.Anbunithi,  
Additional Public Prosecutor

**ORDER**

This petition has been filed seeking direction to call for the records pertaining to the Order dated 10.3.2022 in Crl.M.P. No.2537 of 2020 in C.C.No.13 of 2020 on the file of the learned Chief Judicial Magistrate, Sivagangai, Sivagangai District and set aside the same.

2. The petitioner is the sole accused and charged for the offences under Section 304(A) of IPC. The prosecution has examined three witnesses namely PW. 1 to PW.3 on 24.03.2020, however the counsel for the petitioner failed to cross examine them on the ground that some documents were not available with him to cross examine PW. 1 to PW.3. Immediately the learned counsel for the petitioner has filed a petition to recall PW. 1 to PW.3 , however it was dismissed on the ground that though the petitioner was served with notice as early as on 24.02.2020, on the date of chief examination he failed to cross examine PW. 1 to PW.3.

3. Perusal of the record reveals that PW.1 to PW.3 were examined in Chief on 24.02.2020 and on the very next date the petitioner has filed petition to recall PW.1 to PW.3 herein.



4. In view of the above the order passed by the learned Chief Judicial Magistrate, Sivagangai in Crl.M.P.No.2537 of 2020 dated 10.03.2022 is hereby set aside and the petitioner is directed to cross examine PW.1 to PW.3 along with payment of necessary cost as fixed by the trial Court. The trial Court is directed to fix the date for cross examining PW.1 to PW.3 and if the petitioner fails to cross examine the witnesses on the date fixed by the trial Court, the trial Court is directed to proceed in accordance with law.

5. This Criminal Original Petition ordered accordingly.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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

+1 CC to M/s.S.RAGAVENTHRE, Advocate ( SR-22270[F] dated  
28/04/2022 )

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