



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) Nos.16353 and 16354 of 2022

and

Crl.M.P.(MD) Nos.10877 and 10878 of 2022

1.Raghavan

2.Pangajavalli

... Petitioners in both Crl.O.Ps.,

Vs

The Inspector of Police,
All Women Police Circle,
Srirangam,
Trichy City
Crime No.1 of 2021

... Respondent in both Crl.O.Ps.,

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the impugned order in Crl.M.P.Nos.16388 and 16390 of 2022 in CC.No.420 of 2022 dated 12.08.2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and set aside the same.

For Petitioners
in both Crl.O.Ps., : Mr.K.N.Guru



WEB COPY



For Respondent
in both Crl.O.Ps., : Mr.R.Sivakumar
Government Advocate (Crl.side)

COMMON ORDER

These petitions have been filed to set aside the order that has been passed by the trial Court in Crl.M.P.Nos.16388 and 16390 of 2022 in CC.No. 420 of 2022 dated 12.08.2022.

2.It appears that it is a matrimonial issue between the husband and wife, over which the present case has been registered. The petitions in Crl.M.P.Nos. 16388 and 16390 of 2022 have been filed seeking recalling P.W1 to P.W4 and P.W7 to P.W9 for the purpose of cross-examination.

3.The aforesaid petitions came to be dismissed by the learned trial Judge by order dated 12.08.2022 on the ground that there was long delay and the delay has not been properly explained by the petitioners. Noting the conduct of the petitioners in dragging the matter endlessly, the said petitions came to be dismissed.



WEB COPY

4. Even though there is a delay and laxity on the part of this petitioners in not cross examining the material witnesses in time, since it is a matrimonial issue between the husband and wife and the offence under Section 498(A) IPC is also a serious one, I am of the considered view that the petitioners may be given one more opportunity to cross-examine the material witnesses.

5. However, reading of the file shows that in all the hearings, where the chief examination of the witnesses had been undertaken, the petitioners remained absent. On their behalf the petition under Section 317 Cr.PC has been filed. That was also allowed. Even after that, the petitioners were not ready to cross-examine the witnesses on the date of the chief examination. The reason that has been given by this petitioners in not attending the Court to cross-examine the witnesses is not at all acceptable. In all the hearings, they remained absent. Such sort of attitude cannot be permitted.

6. However, let the petitioners must appear before the concerned trial Court within a period of 15 days from the date of receipt of a copy of this order and shall deposit a sum of Rs.20,000/- to the credit of Crime No.1 of



2021 before the learned Judicial Magistrate, Additional Mahila Court, Thiruchirappalli towards cost of the witnesses, namely P.W1 to P.W4 and P.W7 to P.W9. On such deposit being made, an undertaking affidavit must be filed by the petitioners to the effect that they will cooperate with the trial process to complete the same within time. On all these compliance, the dismissal order stand set aside and the petitioners may be given an opportunity to cross examine all the witnesses on the date to be fixed by the trial Court without fail on the same day of the appearance of the witnesses. If any failure is noticed, then the right to cross-examining the witnesses automatically will stand extinguished.

7. These Criminal Original Petitions are disposed of, accordingly. Consequently, connected miscellaneous petitions are closed.

Internet: Yes
Index: Yes/No
mm

09.09.2022

To

4/6



1. The Inspector of Police,
All Women Police Circle,
Srirangam,
Trichy City
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGO VAN, J.



WEB COPY



mm

Crl.O.P.(MD) Nos.16353 and 16354 of 2022

09.09.2022