



CrI.O.P.(MD) No.18006 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2022

CORAM:

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

CrI.O.P.(MD) No.18006 of 2022

and

CrI.M.P.(MD) No.12019 of 2022

K.Duraipandi

Petitioner

Vs

The State represented through  
The Inspector of Police,  
Eriodu Police Station,  
Dindigul District

Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the order, dated 18.08.2022 made in CrI.M.P.No. 2688/2022 in S.C.No. 6 of 2019, on the file of the learned Additional District and Sessions Judge, Dindigul and set aside the same insofar as the rejection of the recall the prosecution witnesses numbers:P.W.1 to P.W.3 and P.W.12 to P.W.16.



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For Petitioner : Mr.M.Suresh

For Respondent : Mr.K.Sanjai Gandhi  
Government Advocate (Crl.Side)

### **ORDER**

This criminal original petition is filed seeking to set aside the order, dated 18.08.2022 made in Crl.M.P.No. 2688/2022 in S.C.No. 6 of 2019, on the file of the learned Additional District and Sessions Judge, Dindigul.

2.The learned Counsel appearing for the petitioner submits that the petitioner is the sole accused in S.C.No.6 of 2019, on the file of the learned Additional District and Sessions Judge, Dindigul. The petitioner had filed a petition in Crl.M.P.No.2688 of 2022 to recall the prosecution witnesses P.W.1 to P.W.3 and P.W.12 to P.W.16 and the same was dismissed by the trial Judge stating that he has not co-operated with the trial. Further he submitted that now the petitioner is ready to co-operate with the trial and he is contesting the case through legal aid Advocate and the non examination of the prosecution witnesses on the same day is neither willful nor wanton. Hence, one more opportunity may be given to the petitioner.



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3.Considering the gravity of the offence, this Court is of the view that the petitioner has to be given an opportunity to defence his case before the trial Court. Hence this Court is inclined to allow this petition. The order passed by the learned Additional District and Sessions Judge, Dindigul, in Crl.M.P.No. 2688/2022, dated 18.08.2022 is hereby set aside. The petitioner is permitted to cross examine the witnesses P.W.1 to P.W.3 and P.W.12 to P.W. 16 and also the petitioner is directed to co-operate with the trial. The learned Additional District and Sessions Judge, Dindigul shall endeavour to dispose of the matter within a period of three months from the date of receipt of a copy of this order.

4.With the above directions, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

**07.10.2022**

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
lr/vrn



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To

1.The Additional District and Sessions Judge,  
Dindigul,

2.The Inspector of Police,  
Eriodu Police Station,  
Dindigul District.

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



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**T.V.THAMILSELVI, J.**

lr/vrn

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**07.10.2022**