



Crl.O.P.No.6546 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

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1. Madhu

2. Kuppusamy

3. Muthu

4. Murugan

5. Nagappan

6. Govindasamy

... Petitioners

Vs.

The State Rep by its,
Station House Officer,
Kaveripattinam Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to set aside the order dated 20.12.2022 made in Crl.M.P.No.12301 of 2022 in C.C.No.105 of 2015 on the file of the Judicial Magistrate No.I, Krishnagiri.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed seeking direction to the respondent police to set aside the order dated 20.12.2022 made in Crl.M.P.No.12301 of 2022 in C.C.No.105 of 2015 on the file of the Judicial Magistrate No.I, Krishnagiri.

2. The learned counsel for the petitioner submitted that, petitioner could not cross-examine PW1 to PW4. Therefore, he filed a petition under Section 311 of Cr.P.C in Crl.M.P.No.12301 of 2022 on the file of the Judicial Magistrate No.I, Krishnagiri. The said petition was dismissed. Challenging the dismissal order, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, all the witnesses in this case have been examined, except the Investigating Officer.

4. In the light of the submission made by the learned counsel appearing for the parties, this Court does not find dismissal of the petition is inappropriate. However, considering the fact that the Cross Examination of the witnesses in a criminal case is a basic requirement to find out the truth,



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this Court is of the view that, petitioner may be given opportunity to cross-examine these witnesses subject to certain conditions.

5. Accordingly, this Criminal Original petition is allowed subject to payment of costs of Rs.10,000/- each to PW1 to PW4. On such payment through court, learned judge is directed to recall PW1 to PW4 on specified days fixed by the learned judge for the purpose of cross-examination of these witnesses. On the date of their appearance for the purpose of cross-examination, petitioner should cross-examine the witnesses on same day. Failing to avail the opportunity of cross-examination of these witnesses on the date of the appearance of these witnesses, will not entitle the petitioner to again seek the remedy of cross-examination of these witnesses.

23.03.2023

Internet: Yes

Index: Yes/No

Sma

To:

1. Judicial Magistrate No.I,
Krishnagiri.

2. Station House Officer,
Kaveripattinam Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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