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Crl.O.P.No.5561 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5561 of 2023

Crl.M.P.No.3474 of 2023

Manivannan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.
(Crime No.70 of 2016

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C.
praying to call for the records and set aside the order made in
Crl.M.P.No.5324 of 2022 in C.C.No.179 of 2016 dated 24.01.2023 passed by
the learned Judicial Magistrate No.I, Chidambaram.

For Petitioner : Mr.G.Pugazhenth

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



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5.This Court finds that the reason given by the petitioner for not cross-examining the P.W.1 to P.W.3 that due to personal inconvenience of the counsel for the petitioner, the cross-examination could not be conducted cannot be accepted. However, in a criminal trial, the cross-examination of witnesses is absolutely necessary to find out the truth in the case.

6.In this view of the matter, this Court is of the view that petitioner may be permitted to cross-examine P.W.1 to P.W.3 on payment of costs. Accordingly, order dated 24.01.2023, passed in Crl.M.P.No.5324 of 2022 in C.C.No.179 of 2016 by the learned Judicial Magistrate No.I, Chidambaram, is set aside and C.M.P.No.5324 of 2022 in C.C.No.179 of 2016 is allowed subject to payment of costs of Rs.5,000/- each to P.W.1 to P.W.3 through Court. On such payment, the learned Judicial Magistrate No.I, Chidambaram, is directed to recall P.W.1 to P.W.3 for the purpose of cross-examination. These witnesses should be cross-examined on the day they appear for cross-examination. Failing cross-examination, it is made clear that, petitioner will not be entitle to again seek for recall of these witnesses.



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7. With the above direction and observation, this Criminal Original

Petition is allowed.

10.03.2023

Internet: Yes

Index: Yes/No

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Note:- Issue order copy on 10.03.2023



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To:

- 1.The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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