



Crl.O.P.No.11589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11589 of 2023
and Crl M.P.No.7206 of 2023

1.Rajesh
2.Sathish Kumar
3.Baskaran
4.Pandian

.. Petitioners

VS

State Rep. By
The Inspector of Police,
Vada Vanakkampadi Police Station,
Thiruvannamalai District.
(Crime No.108 of 2014)

.. Respondent

Prayer: Petition filed under Section 482 of Cr.P.C to set aside order dated 08.05.2023 in Crl.M.P.No.1290 of 2023 in C.C.No.12 of 2015 by the Judicial Magistrate Court, Vandavasi, Thiruvannamalai District in respect to the recall of PW 1 to PW 10 and also direct the trial Court to recall the witness namely PW1 to PW10 for cross examination.

For Petitioners : Mr.V.R.Appaswamee

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to set aside order dated 08.05.2023 made in Crl.M.P.No.1290 of 2023 in C.C.No.12 of 2015 passed by the Judicial Magistrate Court, Vandavasi,



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Thiruvannamalai District and also to direct the trial Court to recall the witnesses, namely PW1 to PW10 for cross examination.

2. It is the case of the petitioner that all the petitioners, are facing trial in C.C.No.12 of 2015 on the file of the Judicial Magistrate, Vandavasi. Pending trial, the petitioners filed a petition under Section 311 Cr.P.C., to re-call the witnesses for cross-examination and the same was allowed vide order dated 20.12.2018.

3. Learned counsel for the petitioners contended that the prosecution failed to produce witnesses and have not taken any steps to issue summons to them. He further submits that the petitioners are ready to abide by any of the conditions to be imposed by this Court.

4. Learned Government Advocate (Criminal Side) for the respondent submitted that subject to conditions, this petition may be entertained.

5. Having heard learned counsel on either side and considering the facts and circumstances of the case, the impugned



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order dated 08.05.2023 in Crl.M.P.No.1290 of 2023 in C.C.No.12 of 2015 passed by the Judicial Magistrate, Vandavasi, Thiruvannamalai District is set aside and the Criminal Original Petition is allowed subject to payment of Rs.5,000/- as costs to the Tamil Nadu State Legal Services Authority, High Court Campus, Chennai within a period of two weeks from the date of receipt of a copy of this order. On production of receipt of payment of costs, the Court below shall recall the witnesses P.Ws.1 to 10 for cross-examination and complete the same within a period of four weeks thereafter. Connected miscellaneous petition is closed.

18.05.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Judicial Magistrate,
Vandavasi, Thiruvannamalai District
- 2.The Inspector of Police,
Vada Vanakkampadi Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.



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A.A.NAKKIRAN,J.

ssm

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