



Crl.O.P.Nos.26512 and 26513 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :05.12.2023

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.Nos.26512 and 26513 of 2023

and

Crl.M.P.Nos.18508 of 2023 and 18449 of 2023

Crl.O.P.No.26512 of 2023:

Pandichandran

.. Petitioner

/versus/

K.G.Murugan

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order dated 21.09.2023 made in C.M.P.No.3860 of 2023 in S.T.C.No.20 of 2022 on the file of Judicial Magistrate Court (FTC) at Tiruchengode by allowing the criminal original petition and recall PW-1 and permit the petitioner to cross examine PW-1.

For Petitioner :Mr.C.S.Saravanan



Crl.O.P.Nos.26512 and 26513 of 2023

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Crl.O.P.No.26513 of 2023:

Pandichandran

.. Petitioner

/versus/

K.G.Murugan

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order dated 21.09.2023 made in C.M.P.No.3859 of 2023 in S.T.C.No.20 of 2022 on the file of Judicial Magistrate Court (FTC) at Tiruchengode by allowing the criminal original petition and reopen the case in S.T.C.No.20 of 2022.

For Petitioner :Mr.C.S.Saravanan

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COMMON ORDER

The petitions to recall and reopen of the witness PW-1 for cross examination was dismissed by the trial Court extracting the chronological history of date and events of the case.

2. Earlier, the respondent had filed to reopen and recall of PW-1 and the petitioner to recall was allowed on 09.05.2023. In spite of the witness (PW-1) was present on 01.06.2023 and 16.06.2023, the



Crl.O.P.Nos.26512 and 26513 of 2023

accused was not ready to cross examine PW-1 and hence, it was closed. Thereafter, on completion of argument, the second reopen and recall of PW-1 petitions filed, which were not filed with clean hands and only filed to prevent the Court from passing judgment. It is seen from the extract of the date and events in chronological history of the case that an opportunity was given to the petitioner/accused, but not availed, which renders, these petitions are liable to be dismissed.

3. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

05.12.2023

Index:yes/no

Speaking order/non speaking order

Neutral Citation:yes/no

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To

The Judicial Magistrate Court (FTC) at Tiruchengode.



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Crl.O.P.Nos.26512 and 26513 of 2023

DR.G.JAYACHANDRAN,J.

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