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Crl.O.P.No.28243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.28243 of 2023

1.Panchatsaram

2.Vinayagam

.. Petitioners

/versus/

State of Represented by
The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.

.. Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 09.05.2023 in C.M.P.No.302 of 2023 in C.C.No.110 of 2019 on the file of the Judicial Magistrate, Tiruttani and permit the petitioners to cross examining the PW.1 to PW.9 by fixing a specified day for the same.

For Petitioners : Mr.S.Vijayanand

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



CrI.O.P.No.28243 of 2023

ORDER

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The petitioners are accused in C.C.No.110 of 2019 pending on the file of the Judicial Magistrate, Tiruttani. Their application to recall PW.1 to PW.9 was allowed by the trial Court to facilitate them to cross examination of those witnesses. The condition order of payment of Rs.500/- to each of the witnesses and cross examination should be done on the same day was passed.

2. However, the accused has not availed that opportunity, in fact on 09.05.2023, when all the 9 witnesses were present, the learned counsel for the accused did not turn up. The 2nd accused/2nd petitioner was absent. Petition under Section 317 Cr.P.C., was filed and allowed. The Court recording the fact that the petitioners had not complied the condition on payment of Rs.500/- to each witnesses and not ready to cross examine those recalled witnesses and closed the evidence and proceeded summoning further witnesses.



CrI.O.P.No.28243 of 2023

3. Citing misunderstanding and miscommunication between the counsels, the present petition is filed seeking one more opportunity. This Court is not inclined to entertain this petition, since the C.C., is pending since 2019 and inspite of affording opportunity, the petitioners had not availed the opportunity to cross examine the witnesses. Therefore, this Criminal Original Petition deserves to be dismissed and accordingly dismissed.

19.12.2023

Netural Citation:yes/no
rpl

To:

1.The Judicial Magistrate, Tiruttani

2.The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.

3.The Public Prosecutor,
High Court of Madras, Chennai.

3/4



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CrI.O.P.No.28243 of 2023

Dr.G.JAYACHANDRAN, J.

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