



Crl.O.P.(MD) No.1620 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD) No.1620 of 2023

and

Crl.M.P.(MD) No.1414 of 2023

Anandha Krishnan,

: Petitioner

Vs

The Inspector of Police,
All Women Police Station,
Aruppukottai

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for records in Crl.M.P.No.5188/2022 in CC.No.77 of 2020 dated 06.01.2023 on the file of the Judicial Magistrate Court, Aruppukottai and set aside the same as illegal.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

WEB COPY This criminal original petition has been filed seeking to set aside the order passed in Crl.M.P.No.5188 of 2022 in C.C.No.77 of 2020, dated 06.01.2023, on the file of the Judicial Magistrate Court, Aruppukottai.

2.The learned Additional Public Prosecutor would submit that they have already examined the witnesses PW.1 to PW.7. But the present application was filed only with respect to PW.1 to PW.5.

3.At this juncture, the learned Counsel appearing for the petitioner undertakes not to file another application under Section 311 Cr.P.C.

4.Recording the submissions made on either side, the Criminal Original Petition is allowed and the impugned order, dated 06.01.2023 in Crl.M.P.No. 5188 of 2022 in C.C.No.77 of 2020 on the file of the Judicial Magistrate Court, Aruppukottai, is set aside and the petition to recall the witnesses P.W. 1 to P.W5 is allowed on payment of cost of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code:



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IOBA0001172) and on payment of process fee and batta to the said witnesses and on further condition that the petitioner side should cross examine the witnesses whenever the witnesses are produced before the Court and in case of the petitioner's failure to cross examine the particular witness, then he will forfeit his right to cross examine the witness. The trial Court is directed to summon the said witnesses for the purpose of cross examination and complete the examination of the said witnesses within one month from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

30.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
lr



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To

- 1.The Judicial Magistrate Court,
Aruppukottai.
- 2.The Inspector of Police,
All Women Police Station,
Aruppukottai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

lr

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30.01.2023