



WEB COPY

Crl.O.P.(MD)No.4844 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P.(MD)No.4844 of 2023

1.Karthick

2.Suresh

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Aathanakottai Police Station,
Pudukkottai District.

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Cr.M.P.No.530 of 2022 in S.C.No.17 of 2021 on the file of the learned Chief Judicial Magistrate, Pudukkottai dated 12.12.2022 and set aside the same.

For Petitioners	: Mr.M.Ramu
For Respondent	: Mr.B.Nambiselvan Additional Public Prosecutor

ORDER

This petition has been filed to call for the records in Cr.M.P.No.530 of 2022 in S.C.No.17 of 2021 on the file of the learned



Chief Judicial Magistrate, Pudukkottai dated 12.12.2022 and set aside the same.

2. The petitioners are facing trial before the Court below and several witnesses were examined in chief on various dates. The petitioners counsel did not cross-examine the witness P.W.1, P.W.4, P.W.7 to P.W.10, since on the date of cross examination, his counsel was sick. Thereafter, the petitioners filed the petition under Section 311 of Cr.P.C to recall the above said witnesses and the same was dismissed on 12.12.2022 on flimsy reason. Hence, this petition is filed.

3. Heard both sides.

4. Perusal of records shows that petitioners are facing serious offence under Section 307 IPC and therefore, one more opportunity should be given to the petitioners to cross examine P.W.1, P.W.4, P.W.7 to P.W.10.

5. Considering the fact that petitioners are facing serious charges, without cross examination of the witnesses P.W.1, P.W.4, P.W.7 to P.W.10, a fair judgment may not be possible. On the sole ground, one more



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opportunity is given to the petitioners on stringent condition. The petitioners are directed to pay Rs.2,000/- (Rupees Two Thousand Only) jointly, as cost to P.W.1, P.W.4, P.W.7 to P.W.10 within a week from the date of receipt of copy of this order. On such payment, the trial Court may fix the date for cross examine the witnesses of P.W.1, P.W.4, P.W.7 to P.W.10. On that date the petitioners' counsel must cross examine the P.W.1, P.W.4, P.W.7 to P.W.10 without fail. If any failure is noticed on the part of the petitioners' counsel, his further right of cross examination of P.W.1, P.W.4, P.W.7 to P.W.10 will be forfeited forever.

6. With the above said direction, this petition stands allowed and the order passed by the learned Chief Judicial Magistrate, Pudukkottai, in Cr.M.P.No.530 of 2022 in S.C.No.17 of 2021, dated 12.12.2022, is quashed.

15.03.2023

Index : Yes/No
Internet : Yes/No
tta



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To

1. The Inspector of Police,
Aathanakottai Police Station,
Pudukkottai District.
2. learned Chief Judicial Magistrate, Pudukkottai.



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G.ILANGOVAN. J.

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