



WEB COPY

Crl.O.P.(MD)No.4127 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

**Crl.O.P.(MD)Nos.9242 and 9247 of 2023**

**and**

**Crl.M.P(MD).Nos.7559 and 7562 of 2023**

Gowrishankar

... Petitioner in both Crl.O.Ps

Vs.

Subbusamy

... Respondents in both Crl.O.Ps

**PRAYER in Crl.O.P(MD).No.9242 of 2023:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order dated 17.03.2023 in Crl.M.P.No.230 of 2023 in C.C.No.45 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai and consequently allow the same.

**PRAYER in Crl.O.P(MD).No.9247 of 2023:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order dated 17.03.2023 in Crl.M.P.No.231 of 2023 in C.C.No.45 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai and direct the trial Court to recall and re-examine the witness mentioned in the Crl.M.P.No.231 of 2023.



For Petitioner : Mr.S.Pooranachandran  
(In both Crl.O.Ps)

**COMMON ORDER**

These Criminal Original Petitions have been filed to call for the records and set aside the order dated 17.03.2023 in Crl.M.P.Nos.230 and 231 of 2023 in C.C.No.45 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai and direct the trial Court to recall and re-examine the witness mentioned in the above said Crl.M.P.Nos.

2. The learned counsel appearing for the petitioner submitted that he has filed two petitions in Crl.M.P.Nos.230 and 231 of 2023 in C.C.No.45 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai to recall and re-examine the witness P.W1, with regard to the statement of accounts, but the trial Court has dismissed the same stating that sufficient opportunity was already given. He further submitted that if the petitioner is not permitted to cross examine the witnesses to defend the case, the same will be defeated.

3. Considering the submission, in order to give sufficient opportunity to the petitioner to cross examine PW.1, these Criminal



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Original Petitions are allowed and the order, dated 17.03.2023 in Crl.M.P.Nos.230 and 231 of 2023 in C.C.No.45 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai are set aside and the petitioner is directed to cross examine PW.1 within a period of four weeks from the date of receipt of a cop of this order. Consequently, the connected Miscellaneous Petitions are closed.

**18.05.2023**

Index : Yes/No  
Internet : Yes/No  
trp

To

The learned Judicial Magistrate, Aruppukottai



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T.V.THAMILSELVI, J.

trp

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**18.05.2023**