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Crl.O.P.(MD)No.9227 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.(MD)No.9227 of 2023
and
Crl.M.P(MD).No.7547 of 2023

Balathandayudham

... Petitioner

Vs.

State Represented by
Inspector of Police,
District Crime Branch Police Station,
Pudukkottai District.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction to call for the records pertaining to the order in Cr.M.P.No.967 of 2023 in C.C.No.450 of 2018 dated 25.03.2023 passed by the Judicial Magistrate No.II, Pudukkottai and set aside the same as illegal.

For Petitioner : Mr.K.C.Maniyarasu

For Respondent : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the order in Cr.M.P.No.967 of 2023 in C.C.No.450 of 2018 dated 25.03.2023 passed by the Judicial Magistrate No.II, Pudukkottai and set aside the same.

2. The learned counsel appearing for the petitioner submitted that as the earlier counsel died and hence, he was not able to cross examine PW.1 and hence, he has filed a petition to recall PW.1 to PW.13, but the trial Court has dismissed the same stating that PW.1 to PW.13 have not been cross examined purposely despite 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 to PW.13, this Criminal Original Petition is allowed and the order passed in CrI.M.P.No. 967 of 2023 in C.C.No.450 of 2018, dated 25.03.2023 by the Judicial Magistrate No.II, Pudukkottai is set aside and the petitioner is directed to



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cross examine PW.1 to PW.13 within a period of two months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

18.05.2023

Index : Yes/No
Internet : Yes/No
trp

To

Judicial Magistrate No.II, Pudukkottai



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T.V.THAMILSELVI, J.,

trp

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