



*Crl.O.P.(MD)No.9187 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2023

CORAM

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**Crl.O.P.(MD)No.9187 of 2023 and**  
**Crl.M.P(MD).No.7512 of 2023**

M/s. Sathiyamoorthy

... Petitioner

Vs.

State rep. by  
Inspector of Police,  
District Crime Branch Police Station,  
Pudukkottai District.  
Criem No. 46 of 2011

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the order in Crl.M.P.No.966 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.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | : Mr.K.C. Maniyarasu            |
| For respondent | : Mr.M. Sakthikumar             |
|                | Government Advocate (Crl. Side) |

**ORDER**

This Criminal Original Petition has been filed to call for the



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records pertaining to the order in Crl.M.P.No.966 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 Crl.M.P.No.966 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 cross examine PW.1 to PW.13 within a period of two months



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from the date of receipt of a cop of this order. Consequently, the connected Miscellaneous Petition is closed.

**18.05.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
trp

To

1. Inspector of Police,  
District Crime Branch Police Station,  
Pudukkottai District.  
Criem No. 46 of 2011

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**T.V.THAMILSELVI, J.,**

trp

Order made in  
**Crl.O.P.(MD)No.9187 of 2023 and**  
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