



Crl.O.P.(MD)No.10246 and 10252 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)Nos.10246 and 10252 of 2023

and

Crl.M.P(MD) Nos.8150 and 8153 of 2023

R.N.Jagadeessan

... Petitioner/Accused

Vs.

M/s.Agarwal Coal Corporation Private Limited,
Through its Power Agent,
Mr.Amresh Chowdhary,
Branch at No.5/158,
Aruna Nagar,
Caldwell Colony,
Tuticorin – 8.

...Respondent/Complainant

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, to set aside the orders dated 05.06.2023 passed in Cr.M.P(MD) No.3443 of 2023 in C.C.No.178 of 2019 and Cr.M.P(MD) No.3445 of 2023 in C.C.No.177 of 2019 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi and consequently permit the petitioner/accused to cross examine the PW1 in both the matters.

For Petitioner : Mr. Jayachandran V



Crl.O.P.(MD)No.10246 and 10252 of 2023

COMMON ORDER

WEB COPY

These Criminal Original Petitions have been filed, invoking Section 482 Cr.P.C., seeking orders to set aside the orders dated 05.06.2023 passed in Cr.M.P(MD) No.3443 of 2023 in C.C.No.178 of 2019 and Cr.M.P(MD) No.3445 of 2023 in C.C.No.177 of 2019 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi, and consequently permit the petitioner/accused to cross examine the PW1 in both the matters.

2. Even though elaborate cross examination was made by the estwhile counsel for the petitioner, now new counsel has come on record. According to him, he went thorough entire chief exmination as well as the cross examination and during that time, he found that vital factors with relevant to Paragraph Nos.9 and 10 in chief was not put to complainant during cross examination. The above said recall applications that came to be dismissed by the trial Court, stating that sufficient opportunity was already given to the petitioner that was also utilised and there is no further reason for recalling the PW1.



Crl.O.P.(MD)No.10246 and 10252 of 2023

3. In view of the above said issue pointed out by the learned counsel on record for the petitioner, I am of the considered view that one more opportunity be given to the petitioner to cross examine the above said witness on payment of cost of Rs.10,000/- for both matters. Let the cost be paid within a week either directly or to be deposited in the trial Court. On payment, the trial Court shall fix date for recall P.W.1 for further cross examination. The petitioner must cross examine the P.W.1 on that date, without fail. If any failure is noticed on the part of the petitioner, his further right will be forfeited forever.

4. With the above said conditions, the orders of dismissal in Cr.M.P(MD) No.3443 of 2023 in C.C.No.178 of 2019 and Cr.M.P(MD) No.3445 of 2023 in C.C.No.177 of 2019 are set aside and this Criminal Original petitions stand allowed. Consequently, connected Miscellaneous Petitions are closed.

14.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu

Issue Order copy on 15.06.2023

G.ILANGOVAN,J.



Crl.O.P.(MD)No.10246 and 10252 of 2023

Indu

WEB COPY

To

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

Order made in
Crl.O.P.(MD)No.10246 and 10252 of 2023

Dated: 14.06.2023