



Crl.O.P.(MD)No.16593 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.10.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.16593 of 2023

1. Saravanan

2. Vijayalakshmi

... Petitioners/Petitioners/
Accused Nos.1 and 2

Vs.

The Inspector of Police,
Tallakulam Police Station (Law and Order),
Madurai District.

...Respondent/Respondent /
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.M.P No. 3782 of 2023 in C.C No.900 of 2019 on the file of the Judicial Magistrate No.II, Madurai, dated 17.08.2023.

For Petitioner : Mr.Vakeeswaran.C

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side).



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ORDER

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This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P. No.3782 of 2023 in C.C No.900 of 2019 on the file of the Judicial Magistrate No.II, Madurai, dated 17.08.2023.

2. The petitioners are facing charges under Sections 325 IPC @ 325 IPC r/w 34 IPC and trial has commenced. P.W.1 and P.W.2 were examined in chief on 05.06.2023 and 26.06.2023 respectively. On the date of above said chief examination, they were not cross examined by the petitioners. Reason for non cross examination of the witnesses stated to be that the learned Senior Counsel appeared for the petitioner before the trial Court underwent surgery. Only because of inability, the above said lapse occurred. That is also disclosed by the trial Court at that time of hearing, but that was not considered. Undertaking was given by the petitioners before this Court in Crl.O.P(MD) No.17985 of 2019 was taken into account for rejecting the above said request. No doubt that undertaking was given by the petitioners before this Court. But the fact remains that on the date of chief examination the learned Senior Counsel appeared for the petitioners underwent surgery, for showing the same, he



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has produced the discharge summary.

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3. Considering the above said fact, one more opportunity is given to the petitioners on stringent condition. The petitioners are directed to pay Rs.5,000/- (Five Thousand Only)each as cost before the trial Court. On such payment, the trial Court may fix the date to cross examine the witnesses. On that date the petitioners must cross examine the witnesses without fail. If any failure is noticed on the part of the petitioners, their further right will be forfeited forever.

4. With the above said direction, this petition stands allowed.

10.10.2023

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

Indu

Note: Issue order copy on 11.10.2023



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To



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G.ILANGOVAN,J.

Indu

- 1.The Judicial Magistrate Court No.II, Madurai.
- 2.The Inspector of Police,
Tallakulam Police Station (Law and Order),
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.16593 of 2023

Dated: 10.10.2023