



WEB COPY



Crl.O.P.(MD).No.21234 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21234 of 2023
and Crl.M.P.(MD).No.16616 of 2023

1.Selvaraj
2.Baluchamy

... Petitioners

Vs.

The Sub-Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order dt. 31.10.2023 passed by the learned Judicial Magistrate, Natham in Cr.M.P No. 1959 of 2023 in C.C.No.20 of 2021 on the file of the learned Judicial Magistrate, Natham.

For Petitioners	: Mr.G.Gomathisankar
For Respondent	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)



Crl.O.P.(MD).No.21234 of 2023

ORDER

WEB COPY

This petition has been filed to to set aside the order dt. 31.10.2023 passed by the learned Judicial Magistrate, Natham in Cr.M.P No. 1959 of 2023 in C.C.No.20 of 2021 on the file of the learned Judicial Magistrate, Natham.

2.It is submitted that the petitioners are facing charges for the offences punishable under Sections 294(b), 323, 326 and 506(i) of IPC in C.C.No.20 of 2023 before the trial Court in Crime No.997 of 2020 on the file of the respondent police. After commencing the trial, PW1 to PW5 were produced by the prosecution and examined in chief. On that day, since their counsel was engaged in District Court, his Junior represented on behalf of him and sought adjournment. Later PW6 and PW7 were also produced. Later the evidence on the side of the prosecution was closed and the case was posted only for Investigating Officer. Therefore, the petitioner filed recall application before the trial Court. But the same was dismissed by the trial Court.

3.No doubt there is lapses on the side of the petitioner. However,



Crl.O.P.(MD).No.21234 of 2023

considering the charges that are faced by the petitioners, this Court is of the view that one more opportunity may be given to the petitioners to cross examine the above said witnesses.

4.On that sole ground, the impugned order dt. 31.10.2023 passed by the learned Judicial Magistrate, Natham in Cr.M.P No. 1959 of 2023 in C.C.No.20 of 2021, is hereby set aside and this criminal original petition is **allowed** with following stringent conditions.

1) The petitioners must deposit a sum of Rs.3,000/- (Rupees Three Thousand only) as cost to the each of the witnesses namely PW1 to PW5 to the credit of C.C.No.20 of 2021, before the trial Court, within a period of fifteen days from the date of receipt of a copy of this order.

2) On such deposit, the trial Court is directed to recall the witnesses P.W.1 to PW5 for cross examination by fixing a particular date. On that date, the petitioners must cross examine the above said witnesses without fail.

If any failure is noticed, then the further right to cross



Crl.O.P.(MD).No.21234 of 2023

examine the witness will be forfeited.

Consequently, connected miscellaneous petition is closed.

27.11.2023

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

To

- 1.The Judicial Magistrate, Natham.
- 2.The Sub-Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.21234 of 2023

G.ILANGOVA,J.

TM

Crl.O.P.(MD).No.21234 of 2023

27.11.2023