



Crl.O.P.(MD).No.21783 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:05.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21783 of 2023
and Crl.M.P.(MD).No.17040 of 2023

Jeya Chandran

... Petitioner

Vs.

1.The State Rep by its,
The Inspector of Police,
DISTRICT CRIME BRANCH Police Station,
Theni District,
Theni.
(Crime No.05/2009)

2.Gunaseelan

3.Virumandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to pass an order to set aside to call for the entire records in relating to the impugned order, dated 10.11.2023 made in Crl MP No.8336/2023 in CC No.36/2012 on the file of the learned Judicial Magistrate, Theni and to set aside the same.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate
(Crl.side)



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ORDER

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This Criminal Original Petition filed to set aside the impugned order, dated 10.11.2023 made in Crl MP No.8336/2023 in CC No.36/2012 on the file of the learned Judicial Magistrate, Theni and to set aside the same.

2.The petitioner is facing charges under Sections 468, 471, 419, 420, 120(b) IPC before the trial Court. During the trial process, the petitioner want to cross examine PW1, PW6 and PW8. It is important to cross-examine these witnesses in order to prove their case. Hence, filed a petition under Section 311 Cr.P.C to recall these witnesses for the purpose of cross examination. However, the trial Court dismissed the petition.

3.Challenging the same, this petition has been filed on the ground that since the petitioner is facing serious charges and it is necessary to cross-examine the witnesses to substantiate his defence.



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4.On the sole ground to give fair justice, considering the facts and circumstances of the case and the reasons adduced in the petition, this Court is inclined to set aside the impugned order and one more opportunity is given to the petitioner to recall the evidence PW1, PW6 and PW8, on payment of cost of Rs.5,000/- each (Rupees Five Thousand only) to the respective witnesses within a week, from the date fixed by the trial Court. On that date, the petitioner is directed to examine those witnesses, failing which, the right of the petitioner shall be forfeited.

5.Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

05.12.2023

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



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To

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1. The Judicial Magistrate, Theni
2. The Inspector of Police,
DISTRICT CRIME BRANCH Police Station,
Theni District, Theni.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

PNM

ORDER IN
Crl.O.P.(MD).No.21783 of 2023
and Crl.M.P.(MD).No.17040 of 2023

05.12.2023