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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P(MD).No.21988 of 2023

1.G.Manikandan
2.R.Manikandan

... Petitioners

Vs.

The State Rep by its,
The Sub-Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
In Crime No.366 of 2015

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order passed in Cr.MP.No.7890/2022 in CC No.62/2016, dt.12/4/2023 on the file of the Learned Judicial Magistrate No.II, Virudhunagar and to recall the witness PW7 for cross examination.

For Petitioners : Mr. R.Pon Karthikeyan

For R-1 : Mr.M.Vaikkam Karunanithi
Govt.Advocate (CrI.Side)

ORDER

This Criminal Original petition has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Virudhunagar in Cr.M.P.No. 7890 of 2022 in C.C. No.62 of 2016.



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2. It is seen that the petitioners are facing charge for the offence under Sections 392 of IPC. In this case the Investigation Officer/P.W.7 was examined on 05.04.2022 and on the date of chief examination it was reported as 'no cross'. Thereafter the learned counsel for the petitioners filed petition to recall P.W.7 and without any reason by a cryptic order it was dismissed by the learned Magistrate on 12.04.2023.

3. Considering the fact that the petitioners are facing serious offence one more opportunity may be given to the petitioners to cross examine P.W.7. The petitioners are directed to pay a cost of Rs.3,000/- (Rupees Three Thousand only) to the witness. On cost being deposited the trial Court shall fix the date for cross examination of P.W.7 and on the date fixed by the trial Court the petitioners shall cross the witnesses without fail.

4. This Criminal Original Petition is allowed on the above terms. The above directions given by this Court shall be strictly complied with.

06.12.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To;

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1. The Judicial Magistrate No.II, Virudhunagar
2. The Sub-Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
In Crime No.366 of 2015
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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G.ILANGO VAN,J.

aa v

CrI.O.P(MD) No. 21988 of 2023

06.12.2023