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CrI.O.P.No.10451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10451 of 2024
& CrI.M.P.No.7143 of 2024

1. M.Pruthiviraj.
2. K.C.Murugan.
3. M.K.Banupriya.

... Petitioners/Accused

/versus/

1.State represented by,
The Inspector of Police,
Central Police Station,
Tiruppur.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 15.04.2024 passed by the Learned Judicial Magistrate, Additional Mahila Court, Tirppur in CrI.M.P.13923/2023 in C.C.No.184/2022.

For Petitioners : Mr.Swami Subramanian

For Respondent : Mr.S.Udaya Kumar
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition is filed to set aside the order dated 15.04.2024 passed by the Learned Judicial Magistrate, Additional Mahila Court, Tirppur in CrI.M.P.13923/2023 in C.C.No.184/2022.

2. After examining six witnesses, the petition to recall P.W.1 to P.W.6 been filed for cross examination. The Court below, after considering the facts had dismissed the petition recording that though opportunity was given to the accused persons to cross examine these witnesses just to delay the trial, failed to cross examine them and then had filed application to recall these witnesses belatedly.

3. The Learned Counsel appearing for the petitioners would submit that in this case P.W.1 to P.W.5 was examined in chief on 08.08.2023, P.W.6 was examined on 10.10.2023 and thereafter, within 3 days application to recall all the six witnesses was filed. However, same was dismissed by the Court below on 15.04.2024. There is no intention of delaying the trial and the petitioners are ready to cross examine these witnesses on the same day.



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4. Considering the plea and reasons stated, this Criminal Original Petition is disposed of on condition that the petitioners shall pay costs of Rs.2500/- to each of the witnesses they want to recall and on such payment, summons to witnesses been issued by the Court and on the day witness present, the petitioners should cross examine them, or else their right to cross examination will get fortified.

5. With the above direction, this Criminal Original Petition is disposed of. The petitioners shall pay the costs within 15 days from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

29.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Learned Judicial Magistrate, Additional Mahila Court, Tirppur.
2. The Inspector of Police, Central Police Station, Tiruppur.
3. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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