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CrI.O.P.No.24971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.24971 of 2024

Sivasubramanian

... Petitioner

Vs.

State through the Inspector of Police,
Kamanaickenpalayam, Police Station,
Kamanaickenpalayam,
Tiruppur District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to set aside the order dated 02.09.2024 in CrI.MP.No.4587 of 2024 in C.C No.75 of 2019 pending on the file of the Judicial Magistrate of Palladam and permit to recall witness

For Petitioner : Mr.J.Kingsly Solomon

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

ORDER

This Criminal Original Petition is filed by the accused to recall PW.1 to PW.3 for cross examine was dismissed by the trial Court on the ground that no sufficient reason adduced in the petition to recall and there is no justification for not cross examine the witnesses on the day of



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chief examination.

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2. The learned counsel appearing for the petitioner states that the trial in the case is commenced only in the year 2024, three witnesses PW.1 to PW.3 were examined in chief on 12.02.2024, 20.02.2024 and 07.03.2024 respectively. He has not able to give suitable instructions to counsel due to his illness. The petitioner stands trial for the charge of offence under Sections 279, 304A and 338 IPC.

3. The sum and substance of the charge is that due to rash and negligence while driving the car, he has caused death of one pillion rider Mohanraj and injury to the rider of the two wheeler Marudhachalam. The witnesses sought to be recalled are the eye witnesses to the occurrence.

4. The petitioner's right to cross examination of the witnesses cannot be denied in this case. Hence the order of the trial Court is set aside and the prosecution to recall PW.1 to PW.3 is allowed on condition that the petitioner shall cross examine the witnesses on the day of their presence without any delay and no further opportunity will be given to him to recall the witnesses.



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Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Judicial Magistrate, Palladam

2.The Inspector of Police,
Kamanaickenpalayam, Police Station,
Kamanaickenpalayam,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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