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Crl.O.P.No.32188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.32188 of 2024

... Petitioner

Kumaravel

Vs

State represented by
The Inspector of Police,
Kottakuppam,
Villupuram District.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS, 2024, to call for the records and to set aside the impugned order made in Crl.M.P.No.1553 of 2024 in S.C.No.118 of 2019 dated 02.07.2024 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Villupuram.

For Petitioner : Mr.C.Iyyappa Raj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.32188 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records and to set aside the impugned order made in Crl.M.P.No.1553 of 2024 in S.C.No.118 of 2019 dated 02.07.2024 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Villupuram.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and peruse the materials available on record.

3. The petitioner who is the accused in S.C.No.118 of 2019 on the file of the Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram, has filed the petition under Section 311 Cr.P.C., in Crl.M.P.No.1553 of 2024 to recall P.W.1 for cross-examination. The said petition was dismissed by the learned Sessions Judge on 02.07.2024. Aggrieved over the same, the petitioner has filed the above



CrI.O.P.No.32188 of 2024

criminal original petition.

4. On a reading of the impugned order, it is very clear that though sufficient opportunity was given to the petitioner to cross-examine P.W.1, for one reason or the other, he has not cross-examined P.W.1. Further, it is seen that F.I.R was registered and charge sheet has been filed as against the petitioner for the offences under Section 417, 376, 294(b) and 506(i) of IPC. Though the offences are grave in nature, in order to give one more opportunity to the petitioner, this Court directs the petitioner to deposit costs of Rs.10,000/- to the credit of S.C.No.118 of 2019 on the file of the Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram, on or before 30.12.2024, failing which, this criminal original petition shall stand dismissed automatically without further reference to this Court. On such deposit being made by the petitioner, the learned Sessions Judge is directed to summon P.W.1 and on appearance of P.W.1, the petitioner is directed to cross-examine P.W.1 on the same day itself. Further, the learned Sessions Judge is directed to pay the abovesaid amount paid by the petitioner, to the victim/P.W.1 and dispose the case on merits and in accordance with law, within a



CrI.O.P.No.32188 of 2024

period of two months from the date of receipt of a copy of this order.

5. With the abovesaid direction, the Criminal Original Petition is disposed of.

21.12.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

Note: Issue Order Copy on 21.12.2024

To

1. The Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Villupuram.
2. The Inspector of Police,
Kottakuppam,
Villupuram District.



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Crl.O.P.No.32188 of 2024

P.VELMURUGAN, J.

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Crl.O.P.No.32188 of 2024

21.12.2024