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CrI.O.P.No.28121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.28121 of 2024

Selvakumar

... Petitioner

Vs.

State through the Inspector of Police,
Palladam Police Station,
Palladam.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, 2023 to set aside the order dated 11.09.2024 passed in CrI.M.P.No.4771 of 2024 in C.C.No.69 of 2018 on the file of the Judicial Magistrate, Palladam.

For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to set aside the order dated 11.09.2024 passed in CrI.M.P.No.4771 of 2024 in C.C.No.69 of 2018 on the file of the Judicial Magistrate, Palladam.



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2. The petitioner has filed a petition in C.M.P.No.4771 of 2024 in

C.C.No.69 of 2018 on the file of the learned Judicial Magistrate, Palladam under Section 311 Cr.P.C (now it is Section 348 BNSS) to recall P.Ws.1 to 5 to depose evidence. After hearing the arguments and perusal of the records, the learned Magistrate dismissed the petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

4. No doubt, opportunity has to be given and at the same time, the Court will not close the eyes before ordering any petition filed by the parties before the trial Court to re-call the evidence of PW.1 to P.W.5. Hence, this Court directs the petitioner to deposit Rs.50,000/- (Rupees fifty thousand only) as costs before the trial Court on or before **25.11.2024**. Each of the witnesses are entitled to get a sum of Rs.10,000/- out of the said Rs.50,000/-. On payment of such costs, the learned Magistrate is directed to issue summons to all the witnesses and record evidence on 04.12.2024. The defence counsel is directed to cross examine all the witnesses on the same day i.e., on **04.12.2024**.



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5. With the above direction, this Criminal Original Petition is allowed, setting aside the order dated 11.09.2024 passed in CrI.M.P.No.4771 of 2024 in C.C.No.69 of 2018 on the file of the Judicial Magistrate, Palladam.

11.11.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Palladam Police Station,
Palladam.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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