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CrI.O.P.No.29499 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.29499 of 2024

Mrs.Kalaiselvi

... Petitioner

Vs.

T.Ramesh

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order dated 09.10.2024 in CrI.M.P.No.3846 of 2024 passed by the learned XX Metropolitan Magistrate, Egmore (Allikulam) and recall P.W.1 for cross examination pending in STC No.10595 of 2022 in the interest of justice.

For Petitioner : Mr.M.Anandraj

ORDER

This Criminal Original Petition has been filed by the petitioner to set aside the order dated 09.10.2024 in CrI.M.P.No.3846 of 2024 passed by the learned XX Metropolitan Magistrate, Egmore (Allikulam), Chennai and recall P.W.1 for cross examination, pending in STC No.10595 of 2022.



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2. The learned counsel for the petitioner submitted that the petition is facing trial in STC No.10595 of 2022 on the file of the XX Metropolitan Magistrate, Egmore (Allikulam), Chennai and pending trial, the petitioner filed an application before the Magistrate invoking Section 311 Cr.P.C. to recall the witness P.W.1 for the purpose of cross examination. The said petition was allowed by order dated 09.10.2024 on condition to pay cost of Rs.2,000/- directly to complainant within a period of seven days. However, due to illness, the petitioner could not comply with the order of the Magistrate within the stipulated time. Hence, the present petition is filed before this Court invoking Section 528 B.N.S.S. seeking extension of time to comply with the order of the Magistrate.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Since no adverse order is being passed, notice to the respondent is dispensed with.



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5. Considering the facts and circumstances of the case, time is extended to the petitioner till 28.11.2024 to pay the cost to the defacto complainant as directed by the learned Magistrate.

6. Incase the petitioner comply with the said order, the learned Magistrate is directed to allow the petitioner to recall and to cross-examine P.W.1. and the petitioner shall cross examine the witness as per the direction of the learned Magistrate.

7. With the above directions, this Criminal Original Petition is disposed of.

25.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue Order Copy on 25.11.2024.

To
The XX Metropolitan Magistrate,
Egmore (Allikulam), Chennai



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P.VELMURUGAN. J.

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