



**CRL OP(MD). No.15097 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 22.02.2024**

**CORAM**

**The Hon`ble Mr.Justice M. DHANDAPANI**

**CRL OP(MD) No.15097 of 2022**  
**and CrI.M.P.No.9856 of 2022**

Manikandan

... Petitioner/Petitioner/Sole Accused

Vs

The Inspector of Police,  
Thuckalay Police Station,  
Kanyakumari District.  
Crime No.895 of 2014.

... Respondent/Respondent/Complainant

**PRAYER :-** Criminal Original Petition file under section 482 of Cr.P.C., to set aside the order passed by Judicial Magistrate Court No.1, Padmanabhapuram, Kanniyakumari in C.M.P.No.10761 of 2021 datded 09.12.2021 in C.C.No.208 of 2017 and allow this Petition.

For Petitioner : Mr.Susi Kumar C

For Respondent : Mr.S.Manikandan  
Government Advocate (Crl.Side)



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## ORDER

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This petition has been filed to set aside the order passed by Judicial Magistrate Court No.1, Padmanabhapuram, Kanniyakumari in C.M.P.No.10761 of 2021 datded 09.12.2021 in C.C.No.208 of 2017 and allow this Petition.

2.The petitioner was implicated for the offence under Sections 341, 294(b), 324, 506(ii) of IPC and Section 4 of TNPWH Act, 2002 in Crime No.895 of 2014. After framing of charges, the trial was commenced. The P.W.1 to P.W.5 were examined by the prosecution. But due to COVID-19 pandemic, the petitioner's counsel could not able to cross examine the P.W.1 to P.W.5. While so, in order to recall the witness, viz., P.W.1 to P.W.5, for cross-examination, the petitioner has filed a petition in CrI.M.P.No.10761 of 2021, which was dismissed by the Court below. Challenging the same, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that not even one time, the petitioner's counsel is not cross examined any of the



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witnesses. Completing the trial without providing opportunity to the petitioner/accused is not sustainable one. He would further submit that a direction may be issued for recalling the witnesses, for which, the petitioner is ready to pay necessary costs.

4. The learned Government Advocate (Crl.Side) would fairly submit that the petitioner is not cross examined any of the witnesses.

5. Considering the facts and circumstances of the case and in order to afford an opportunity to the petitioner herein to cross-examine P.W.1 to P.W.5, this petition is disposed of with the following direction:

(i) The trial Court shall issue notice to P.W.1 to P.W.5 fixing the date of hearing and on the said date, the petitioner herein shall cross-examine the said witnesses, in which case, the petitioner shall pay a cost of Rs.2,000/- (Rupees Two Thousand only) each to the P.W.1 to P.W.5. Consequently connected Miscellaneous Petition is closed.

**22.02.2024**

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**M.DHANDAPANI. J**

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TO

1. The learned Judicial Magistrate No.I,  
Padmanabhapuram,  
Kanniyakumari District.
- 2.The Inspector of Police,  
Thuckalay Police Station,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**ORDER  
IN  
CRL OP(MD) No.15097 of 2022**

**Date : 22.02.2024**