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Crl.O.P.(MD)No.18625 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.18625 of 2022

and

Crl.M.P.(MD).No.12532 of 2022

Franklin J.John

... Petitioner

Vs.

Harikumar

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order made in Crl.M.P.No.208 of 2019 in S.T.C.No.997 of 2013, on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

For petitioner : Mr.G.Anto Prince

For Respondent : Mr.C.R.Nirmal

ORDER

This Criminal Original Petition has been filed to set aside the order made in Crl.M.P.No.208 of 2019 in S.T.C.No.997 of 2013, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, dated 09.01.2019.



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2. The petitioner was implicated in S.T.C.No.997 of 2013.

While so, in order to recall the witness, viz., P.W.1, for cross-examination, the petitioner has filed a petition in Crl.M.P.No.208/2019, which was dismissed by the court below and hence, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that during cross-examination of P.W.1, since the petitioner's counsel was out of station, he seeks for recalling the witness/P.W.1. He would further submit that a direction may be issued for recalling the witness, in which case, the petitioner pays necessary costs.

4. 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, this petition is disposed of with the following direction:

The trial court shall issue notice to P.W.1 by fixing the date of hearing and on the said date, the petitioner herein shall cross-examine the said witness, in which case, the petitioner shall pay a cost of Rs.3,000/- (Rupees three thousand only) to P.W.1. Consequently connected Miscellaneous Petition is closed.

01.03.2024



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Index : Yes/No
Internet : Yes/No
TSG

To

1.The Judicial Magistrate No.I, Kuzhithurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI. J.

TSG

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