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CrI.O.P.(MD)No.19412 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2024**

CORAM:

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

CrI.O.P.(MD) No.19412 of 2022

and

CrI.M.P.(MD)No.13209 of 2022

Sekar ... Petitioner/Petitioner/Accused

Vs.

P.K.R.Gunaseelan ... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to set aside the impugned order dated 15.07.2022 in Cr.M.P.No. 15384 of 2022 in C.C.No.1242 of 2021 on the file of the Judicial Magistrate Court No.1, Tiruchirappalli and direct the Judicial Magistrate Court No.1, Tiruchirappalli to recall P.W.1 and P.W.2 for cross examination in C.C.No.1242 of 2021 on the file of the Judicial Magistrate Court No.1, Tiruchirappalli.

For petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.K.Sivabalan

ORDER

This petition has been filed seeking to set aside the impugned order dated 15.07.2022 in Cr.M.P.No.15384 of 2022 in C.C.No.1242 of



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2021 on the file of the Judicial Magistrate Court No.1, Tiruchirappalli and direct the Judicial Magistrate Court No.1, Tiruchirappalli to recall P.W.1 and P.W.2 for cross examination.

2.The petitioner is arrayed as accused in C.C.No.1242 of 2021 instituted by the respondent/complainant under Sections 138 and 142 of Cr.P.C. During the trial, the petitioner filed a recall petition under Section 311 of Cr.P.C., and the same was dismissed. Challenging the same, the petitioner has filed the present petition before this Court.

3.The learned counsel for the petitioner would submit that though P.W.1 and P.W.2 were cross examined in chief, for the influence of the petitioner's counsel, he was not able to cross examine P.W.1 and P.W.2. Thereby, the petitioner filed a recall petition for recalling P.W.1 and P.W.2 and the petitioner is ready to pay cost to the inconvenience caused to P.W.1 and P.W.2.

4.The learned counsel for the respondent would submit that this Court may fix a date for cross examination of P.W.1 and P.W.2 by the petitioner/accused on the reasonable cost.



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5.In view of the above, the Criminal Original Petition is allowed and the order dated 15.07.2022 made in Cr.M.P.No.15384 of 2022 in C.C.No.1242 of 2021 on the file of the Judicial Magistrate Court No.1, Tiruchirappalli, is set aside. Accordingly, P.W.1 and P.W.2 are directed to appear before the trial Court on the next hearing date, i.e., on **10.04.2024**. On that day, the petitioner has to complete the cross examination of P.W.1 and P.W.2, for which, he has to pay Rs.2,500/- each to P.W.1 and P.W.2. After cross examination of P.W.1 and P.W.2, the Judicial Magistrate Court No.1, Tiruchirappalli, is directed to complete the trial and dispose of the case within a period of six months. Consequently, connected miscellaneous petition is closed.

23.02.2024

Index : Yes/No
Internet : Yes/No
NCC: Yes/No
SJI
To

- 1.The Judicial Magistrate Court No.1, Tiruchirappalli
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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