



Crl.O.P.(MD)No.20118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **23.02.2024**

CORAM:

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

Crl.O.P.(MD) No.20118 of 2022

and

Crl.M.P.(MD)No.13913 of 2022

C.Vijisingarayar

... Petitioner

Vs.

The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.

Crime No.375 of 2019

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to call for the entire records pertaining to the order passed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.623 of 2022 in S.C.No.41 of 2020, dated 20.09.2022 and set aside the same.

For petitioner : Mr.N.Marimuthu

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the order passed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.623 of 2022 in S.C.No.41 of 2020, dated 20.09.2022.



2.The petitioner is facing trial in S.C.No.41 of 2020 on the file of the learned Principal Sessions Judge, Dindigul. During the trial, the petitioner filed a recall petition in Crl.M.P.No.623 of 2022 in S.C.No.41 of 2020 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 due to his ill-health, he could not able to cross examine P.W.1 to P.W.3, P.W.6, P.W.8 and P.W.9. Thereby, the petitioner filed a recall petition for recalling P.W.1 to P.W.3, P.W.6, P.W.8 and P.W.9 and the petitioner is ready to pay cost to the inconvenience caused to P.W.1 to P.W.3, P.W.6, P.W.8 and P.W.9.

4.The learned Additional Public Prosecutor for the respondent would submit that this Court may fix a date for cross examination of P.W. 1 to P.W.3, P.W.6, P.W.8 and P.W.9 by the petitioner/accused on the reasonable cost.

5.In view of the above, the Criminal Original Petition is allowed and the order dated 20.09.2022 made in Cr.M.P.No.623 of 2022 in



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S.C.No.41 of 2020 on the file of the learned Principal Sessions Judge, Dindigul, is set aside. Accordingly, P.W.1 to P.W.3 are directed to appear before the trial Court on the next hearing date, i.e., on **25.03.2024** and the remaining witnesses, ie., P.W.6, P.W.8 and P.W.9 are directed to be appeared on the next hearing date as fixed by the trial Court. The petitioner has to complete the cross examination of P.W.1 to P.W.3, P.W.6, P.W.8 and P.W.9, for which, he has to pay Rs.5,000/- each to P.W.1 to P.W.3, P.W.6, P.W.8 and P.W.9. After cross examination of P.W.1 to P.W.3, P.W.6, P.W.8 and P.W.9, the learned Principal Sessions Judge, Dindigul, 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 Principal Sessions Judge, Dindigul.
- 2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

SJI

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