



*Crl.O.P.(MD)No.20647 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.20647 of 2024

1.Alexraj

2.Ravichandran

... Petitioners

Vs.

State of Tamil Nadu through  
The Inspector of Police,  
CBCID Madurai,  
Madurai District.  
Crime No.2 of 2019

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to allow this petition and set aside the order passed by V Additional District and Sessions Judge, Madurai, dated 28.08.2024 in Cr.M.P.No.1254 of 2024 in SC.No.289 of 2021 and recall prosecution witnesses 75 to 77 for the purpose of cross examination.

|                |                                                       |
|----------------|-------------------------------------------------------|
| For Petitioner | : Mr.M.Prabhakaran                                    |
| For Respondent | : Mr.A.Thiruvadikumar<br>Additional Public Prosecutor |



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### **ORDER**

The petitioners/ A1 & A3 have filed this petition to set aside the dismissal order passed by the learned V Additional District Sessions Judge, Madurai, in Cr.M.P.No.1254 of 2024 filed under Section 311 Cr.P.C. The petitioners, who are A1 & A3 in S.C.No.289 of 2021, had filed a petition in Cr.M.P.No.1254 of 2024 to recall P.W.75, 76 and 77, which had not entertained and dismissed.

2. The learned Additional Public Prosecutor, on instructions, would submit that in this case earlier A2 with similar prayer had approached this Court in Crl.O.P(MD).No.16193 of 2024 and this Court had permitted A2 to recall P.W.75, P.W.76 and P.W.77, on the same day of their appearance. The case is posted before the trial Court on 04.12.2024. The petitioner can also avail on that day to cross-examine the witnesses.



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3. In view of this Court earlier allowed petition to recall P.W. 75, P.W.76 and P.W.77, this Criminal Original Petition is allowed and the petitioner is permitted to cross-examine P.W.75, P.W.76 and P.W. 77. It is made clear that in the event of A4 seeks such permission to cross-examine witnesses, the same to be considered favorably, so that on one day all witnesses can be cross-examined for all the accused. x

NCC : Yes / No

**27.11.2024**

Index : Yes / No

*Rmk*

**Note : Issue order copy on 03.12.2024**

To

1.The Inspector of Police,  
CBCID Madurai,  
Madurai District.

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



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**M.NIRMAL KUMAR, J.**

*Rmk*

Order made in  
Crl.O.P.(MD)No.20647 of 2024



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