



Crl.O.P.No.3301 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.O.P.No.3301 of 2025**

Dhanalakshmi

... Petitioner

Vs

State represented by  
The Inspector of Police,  
M-1, Periyanaickanpalayam Police Station,  
Coimbatore District.  
(Cr.No.67 of 2018)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed in Crl.M.P.No.10121 of 2024 dated 21.10.2024 passed by Learned Judicial Magistrate No.V, Coimbatore.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.side)

**ORDER**

This petition has been filed to set aside the order passed in Crl.M.P.No.10121 of 2024 dated 21.10.2024 passed by Learned Judicial Magistrate No.V, Coimbatore, thereby dismissing the petition filed by the petitioner under Section 311 Cr.P.C to recall PW2, PW5, PW6 and PW7, on the



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ground that PW2, PW5, PW6 and PW7 were examined two years before.

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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. Admittedly, the petitioner did not cross examine PW2, PW5, PW6 and PW7 so far. Therefore, in order to give one more opportunity to the petitioner to put forth her case, the Trial Court ought not to have dismissed the same.

4. In view of the above, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order passed in Crl.M.P.No.10121 of 2024 dated 21.10.2024 by the Learned Judicial Magistrate No.V, Coimbatore, is hereby set aside. The Trial Court is directed to issue summons to PW2, PW5, PW6 and PW7 to appear for cross examination on one day and on that day, if the petitioner did not cross examine PW2, PW5, PW6 and PW7, the Trial Court is directed to proceed with the Trial in accordance with law.



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5. With the above directions, this Criminal Original Petition stands allowed.

07.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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**G.K.ILANTHIRAIYAN. J.**

mn

To

1. The Judicial Magistrate No.V, Coimbatore.
2. The Inspector of Police,  
M-1, Periyanaickanpalayam Police Station,  
Coimbatore District.
3. The Public Prosecutor,  
High Court, Madras.

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