



Crl.O.P.No. 3651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

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

Crl.O.P.No.3651 of 2025 and
Crl.M.P.No.2414 of 2025

Ambalavanan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
V-5, Police Station,
Thirumangalam, Chennai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order made in Crl.M.P.No.78546 of 2025 in C.C.No.840 of 2024, on the file of XIII Metropolitan Magistrate, Egmore dated 20.01.2025.

For Petitioner : Mr.N.Vijayakumar

For Respondent : Mr.K.M.D.Muhilan,
Government Advocate (crl.side).



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ORDER

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This Criminal Original Petition has been filed challenging the order passed in CrI.M.P.No.78546 of 2025 in C.C.No.840 of 2024 on the file of XIII Metropolitan Magistrate, Egmore dated 20.01.2025, thereby dismissing the application filed under Section 348 of BNSS to recall PW1, PW3 and PW4.

2. The petitioner is facing trial for charges under Section 448, 294(b), 506(1) of IPC and Section 4 of the TNPHW Act, 2002. Admittedly, the petitioner did not cross-examine PW1, PW3 and PW4 and the Calender Case is of the year 2024. Therefore, in order to provide the petitioner with one more opportunity to cross-examine PW1, PW3 and PW4, the order passed by the Trial Court in CrI.M.P.No.78546 of 2025 in C.C.No.840 of 2024 is hereby set aside. Further, the Trial Court is directed to fix a date for cross-examination of PW1, PW3 and PW4. If the petitioner fails to cross-examine the said witnesses on the date fixed by the Trial Court, the Trial Court shall proceed with the trial in accordance with law.



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3. Accordingly, the Criminal Original Petition is allowed.

Consequently, miscellaneous petition is closed.

12.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

1.XIII Metropolitan Magistrate, Egmore

2.The Inspector of Police,
V-5, Police Station,
Thirumangalam, Chennai

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

shk

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