



Crl.O.P.No. 4205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

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

Crl.O.P.No. 4205 of 2025

and

Crl.M.P. No. 2667 of 2025

Ramkumar

.... Petitioner

Vs

The State,
Rep by its
The Station House Officer,
Veppur Police Station,
Cuddalore District.
(Crime No.23 of 2015)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 529 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to set aside the docket order 30.07.2024 passed in CMP No.5988 of 2024 in C.C.No.249 of 2016 on the file of Judicial Magistrate No.I at Virdhachalam and permit the petitioner to cross examine the prosecution witnesses PW1 to PW5 & PW7.

For Petitioner : Mr.R.Dilli Kumar

For Respondent : Mr.A.Gopinath
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 CMP No.5988 of 2024 in C.C.No.249 of 2016 by the Judicial Magistrate No.I, Virudhachalam, thereby dismissing the petition filed to recall P.Ws.1 to 5 & 7.

2. The petitioner is an accused and he is facing trial in C.C.No.249 of 2016 on the file of the Judicial Magistrate No.I, Vridhachalam. Though the prosecution had examined P.Ws.1 to 5 and 7 in chief, the petitioner failed to cross examine the P.Ws.1 to 5 & 7. Therefore, the petitioner filed a petition under Section 311 of Cr.P.C. to recall P.Ws.1 to 5 & 7 for cross examination. The Trial Court allowed the application, subject to payment of Rs.500/- to each witness. However, the petitioner failed to pay the batta and the application filed by the petitioner was dismissed.

3. Admittedly, the petitioner did not cross examine P.Ws. 1 to 5 & 7 so far. Further, the petitioner is facing charges under Sections 294(b), 324 & 506(ii) of IPC. There are two accused in the case, in which the petitioner is arrayed as A1. Therefore, this Court is inclined to



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give one more opportunity to the petitioner to cross examine P.Ws. 1 to 5

WEB COPY & 7.

4. In view of the above, the order passed in CMP No.5988 of 2024 in C.C.No.249 of 2016 by the Judicial Magistrate No.I, Vridhachalam, is hereby set aside. The Trial Court is directed to fix a date for cross examine P.Ws.1 to 5 & 7. If the petitioner fails to cross examination P.Ws.1 to 5 & 7 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law. It is made clear that the petitioner shall pay the batta within a period of one week from today and shall also pay a cost of Rs.500/- to each witness on the date of cross examination.

5. With the above direction, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

18.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. The Station House Officer,
Veppur Police Station,
Cuddalore District.

2. The Public Prosecutor,
High Court, Madras.

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