



Crl.O.P.No. 4498 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM:

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

Crl.O.P.No. 4498 of 2025

Hayath Basha

.... Petitioner

Vs

1.State Rep.By,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.

Crime No.329 Of 2022

.... Respondent

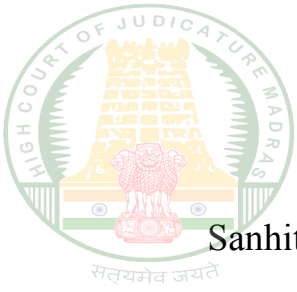
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crl.M.P.No.15047 of 2024 in C.C.No.1353 of 2022 on the file of XV Metropolitan Magistrate, George Town, Chennai and set aside the order dated 12.12.2024.

For Petitioner : Mr.G.Krishnamurthy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed challenging the order dated 12.12.2024 passed in Crl.M.P.No.15047 of 2024 by the XV Metropolitan Magistrate, George Town, Chennai, thereby dismissing the application filed under Section 348 of Bharatiya Nagarik Suraksha



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Sanhita, 2023, to recall P.W.10.

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

3. The petitioner is an accused. The prosecution had examined all the witnesses, including the Investigating Officer, who was examined as P.W.10. It is seen that P.W.10 was already cross examined twice. After a period of seven months, once again the petitioner filed a petition to recall P.W.10 for further cross examination, that too when the matter was posted for arguments. It is not the case of the petitioner that P.W.10 was not cross examined. On the contrary, the record shows that P.W.10 was cross examined on two earlier occasions. Hence, it appears that the present application has been filed to protract the proceedings.

4. The learned counsel appearing for the petitioner would submit that the petitioner's counsel was unable to cross examination earlier and therefore, the petitioner sought for an opportunity to cross-examine P.W.10.

5. In view of the above, the Trial Court rightly dismissed



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the application filed under Section 348 of BNSS to recall P.W.10. This

WEB COURT finds no infirmity or illegality in the order dated 12.12.2024 passed in Crl.M.P.No.15047 of 2024 by the XV Metropolitan Magistrate, George Town, Chennai. Accordingly, this Criminal Original Petition stands dismissed.

19.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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