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CRL OP No. 4919 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-02-2025**

CORAM

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

**CRL OP No. 4919 of 2025**

**AND**

**CRL MP NO. 3173 OF 2025**

Pramod Balachandran

Petitioner

Vs

The State

Rep.By, The Inspector Of Police,  
V4, Rajamangalam Police Station,  
Kolathur, Chennai - 600 099.

Respondent

**PRAYER:-** Criminal Original Petition filed under Sec.528 of B.N.S.S., praying to set aside the order dated 08.01.2025 in Cr.M.P.No.78/2025 on the file of the XIII Metropolitan Magistrate Court, Egmore and permit the cross examination of PW4 and PW5

For Petitioner: Mr. Thomas T Jacob

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

**ORDER**

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This Criminal Original Petition has been filed challenging the order dated 08.01.2025 passed in Crl.M.P.No.78 of 2025 by the XIII Metropolitan Magistrate Court, Egmore, thereby dismissing the application filed by the petitioner to recall P.Ws.4 and 5 for cross examination.

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

3. The petitioner is arrayed as A1 in C.C.No.6742 of 2023 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai and is facing trial for the offences under Sections 287 and 336 of IPC and Section 10 of Aircrat (Investigation of Accidents & Incidents) Rules 2012. The prosecution had examined P.Ws. 1 to 5. There are totally three accused in which the petitioner is arrayed as A1. Though the petitioner was given an opportunity for cross examination of P.Ws.4 and 5, he failed to cross examine them on various reasons. Thereafter, the petitioner filed a petition to recall P.Ws.4 & 5. In order to putforth his defence, this Court is of the view that one more opportunity may be given to the petitioner to cross examine P.Ws.4 and 5.



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4. In view of the above, the order dated 08.01.2025 passed in Crl.M.P.No.78 of 2025 by the XIII Metropolitan Magistrate Court, Egmore, is hereby set aside. The Trial Court is directed to fix a date for the cross examination of P.Ws.4 & 5. If the petitioner fails to cross examine P.Ws.4 & 5 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law. The petitioner is permitted to cross examine P.Ws.4 & 5 on payment of cost of Rs.1,000/- each to them.

5. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

**24-02-2025**

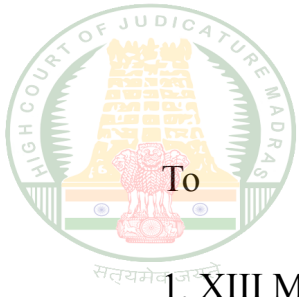
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. XIII Metropolitan Magistrate Court, Egmore.

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2. The Inspector Of Police,  
V4, Rajamangalam Police Station, Kolathur, Chennai - 600 099.

3. The Public Prosecutor, High Court, Madras.



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**G.K.ILANTHIRAIYAN J.**

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