



Crl.O.P.No.5346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

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

Crl.O.P.No.5346 of 2025
and Crl.M.P.No.3469 of 2025

1. Paramasivam
2. Chinnaponnu

... Petitioners

Vs

State represented by
Through, The Station House Officer,
Thirupalapandal Police Station,
Kallakurichi District.
Cr.No.45 of 2014.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order dated 02.01.2025, in
Crl.M.P.No.435 of 2024, in SC No.29 of 2024 on the file of the Additional
Sessions Judge, Kallakurichi.

For Petitioners : Mr.R.Baskar
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the order dated 02.01.2025, in
Crl.M.P.No.435 of 2024, in SC No.29 of 2024 on the file of the Additional
Sessions Judge, Kallakurichi, thereby partly allowed the application filed to
recall PW.12 and PW.13 for cross examination.



Crl.O.P.No.5346 of 2025

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2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials placed on record.

3. A perusal of records revealed that the petitioners are accused in SC.No.29 of 2024 and facing charges for the offences punishable under Sections 498A and 306 of IPC. The prosecution had examined PWs.1 to 13. When the matter is posted for further evidence, the petitioner filed an application to recall PW.12 and PW.13. Admittedly PW.12, who is the Doctor was already cross examined by the petitioners. The Sub Inspector of Police was examined as PW.13.

4. The reason stated by the petitioner for recalling PW.12 was that some of the medical records were not available. However, even in the application to recall PW.12, those records were not produced before the Trial Court. Therefore, the Trial Court had rightly dismissed the petition filed for the recall of PW.12, as PW.12 had already been cross examined.

5. In view of the above, this Court finds no infirmity or illegality in



Crl.O.P.No.5346 of 2025

the order dated 02.01.2025, in Crl.M.P.No.435 of 2024, in SC No.29 of 2024 on
the file of the Additional Sessions Judge, Kallakurichi.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous petition is closed.

26.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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Crl.O.P.No.5346 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Additional Sessions Judge, Kallakurichi.
2. The Station House Officer,
Thirupalapandal Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5346 of 2025

26.02.2025