



Crl. O.P. No. 6021 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 6021 of 2025

and

Crl. M.P. No. 3885 of 2025

1.Charles

2.Guru Kailash

... Petitioners

Vs.

The State rep., by
The Inspector of Police,
V4-Rajamangalam Police Station,
Kolathur, Chennai – 600 099.

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S.,
to set aside the order dated 08.01.2025 in Crl.M.P.No.80 of 2025 and
recall/permit the cross examination on the file of C.C.No.6742 of 2023
and thus render justice.

For Petitioners : Ms. S. Papitha

For Respondent : Mr. A. Gopinath,
Government Advocate



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ORDER

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This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.80 of 2025 in C.C.No.6742 of 2023 dated 08.01.2025, thereby dismissed the application filed for cross examination of PW1 to PW5 under Section 311 of Cr.P.C.

2. The petitioners arrayed as A2 and A3 in C.C.No.6742 of 2023 and facing charges for the offences punishable under Sections 287, 336 IPC r/w 10 of Aircraft Act & Drone Rules, 2021. The prosecution had examined PW1 to PW5.

3. When the matter pending for arguments, the petitioners filed application to recall PW1 to PW5 for cross examination. Admittedly, the petitioners did not cross examine PW1 to PW5 so far, since the earlier counsel engaged on behalf of the petitioners could not able to cross examine PW1 to PW5.

4. Further, already the first accused filed application to recall and the same was dismissed and aggrieved by the same, the first accused filed a petition before this Court in Crl.O.P.No.4919 of 2025. This Court by



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order dated 24.02.2025 allowed the same permitting the first accused to cross examine the prosecution witnesses.

5. This Court is of the view that one more opportunity may be given to the petitioners to put forth their case.

6. In view of the above, the order passed by XIII Metropolitan Magistrate Court, Egmore, Chennai in Crl.M.P.No.80 of 2025 in C.C.No.6742 of 2023 is set aside, on condition that the petitioners shall pay a sum of Rs.1,000/- to each witnesses.

7. The trial Court is directed to fix the date for cross examination of PW1 to PW5, if the petitioners fail to cross examine PW1 to PW5 on the date fixed by the trial Court, the trial Court is directed to proceed with the trial in accordance with law.

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

03.03.2025

Index : Yes/No
Neutral Citation : Yes/No
AT



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G.K.ILANTHIRAIYAN,J.

AT

To

1.The XIII Metropolitan Magistrate Court,
Egmore, Chennai

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

3.The Public Prosecutor,
High Court of Madras.

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