



Crl.O.P.No.5500 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5500 of 2025
and Crl.M.P.No.3523 of 2025

1. Kirubakaran
2. Vijayalakshmi
3. Sathiyandarayanan

... Petitioners

Vs

The State, Rep By
The Inspector of Police,
Kamanaickanpalayam Police Station,
Tiruppur District.

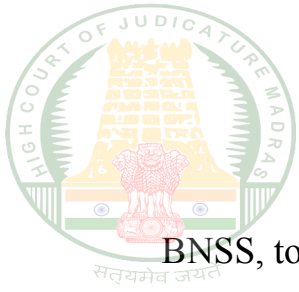
... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 20.01.2025 made in Crl.M.P.No.208 of 2025 in CC No.134 of 2019 on the file of Judicial Magistrate, Palladam.

For Petitioners : Mr.P.Saravana Sowmiyan
For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the order dated 20.01.2025 made in Crl.M.P.No.208 of 2025 in CC No.134 of 2019 on the file of Judicial Magistrate, Palladam, thereby dismissing the petition filed under Section 348 of



Crl.O.P.No.5500 of 2025

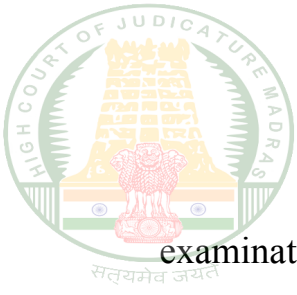
BNSS, to recall PWs.1 to 7 for cross examination.

WEB COPY

2. Heard both sides and perused the materials placed on record.

3. The petitioners are accused and facing trial in C.C.No.134 of 2019 for the offences punishable under Sections 294(b), 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The prosecution had so far examined PWs.1 to 7. However, on the date of examination of PWs.1 to 7, the petitioners failed to cross examine PWs. 1 to 7. Therefore, in order to put forth their defence, they have filed an application under Section 348 of BNSS, 2023 to recall PWs.1 to 7 for cross examination. However, it was dismissed. Hence, this Criminal Original Petition.

4. In view of the above, in order to give one more opportunity to the petitioners to put forth their defence, the impugned order is liable to be set aside. Accordingly, the order dated 20.01.2025 made in Crl.M.P.No.208 of 2025 in CC No.134 of 2019 passed by the Judicial Magistrate, Palladam, is hereby set aside, on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to each of the witnesses for cross



Crl.O.P.No.5500 of 2025

examination. The Trial Court is directed to fix a date for cross examination of PWs.1 to 7 and if the petitioners fail to cross examine PWs.1 to 7 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

5. With the above directions, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

27.02.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.5500 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Judicial Magistrate, Palladam.
2. The Inspector of Police,
Kamanaickanpalayam Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5500 of 2025

27.02.2025



Crl.O.P.No.5500 of 2025

CRL.O.P.No.5500 of 2025
and Crl.M.P.No.3523 of 2025

WEB COPY

G.K.ILANTHIRAIYAN.J

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioners.

2. The learned counsel for the petitioners has brought to the notice of this Court that there is a typographical error, in Paragraph No.4 of the order dated 27.02.2025 in Crl.O.P.No.5500 of 2025.

3. Considering the submission made by the learned counsel appearing for the petitioners, this petition is clarified and Paragraph No.4 of the order dated 27.02.2025 in Crl.O.P.No.5500 of 2025 shall read as follows:-

“ 4. In view of the above, in order to give one more opportunity to the petitioners to put forth their defence, the impugned order is liable to be set aside. Accordingly, the order dated 20.01.2025 made in Crl.M.P.No.208 of 2025 in CC No.134 of 2019 passed by the Judicial Magistrate, Palladam, is hereby set aside, on condition that the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) to each of the witnesses for cross examination. The Trial Court is directed to fix a date for cross examination of PWs.1 to 7 and if the petitioners fail to cross examine PWs.1 to 7 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.”



Crl.O.P.No.5500 of 2025

WEB COPY

4. Registry is directed to correct the order dated 27.02.2025 in Crl.O.P.No.5500 of 2025, as above and issue order copy afresh.

04.06.2025

Index: Yes/No
Internet: Yes/No
mn



WEB COPY



Crl.O.P.No.5500 of 2025

G.K.ILANTHIRAIYAN, J.
mn

CRL.O.P.No.5500 of 2025

04.06.2025