



Crl.O.P.No.5561 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.5561 of 2025
and Crl.M.P.No.3604 of 2025

1. Edward Johnrajan
2. Viswanathan

... Petitioners

Vs

The State Rep By,
The Inspector of Police,
Central Crime Branch,
Salem City.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 03.01.2025 passed by the Hon'ble Judicial Magistrate No.IV (FAC), Salem, in C.M.P.No.4060 of 2024 in CC No.195 of 2018, by recalling the witnesses PW.1 to PW.15 for the purpose of cross examination.

For Petitioners : Mr.G.Mohana Krishnan
For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the order dated 03.01.2025 passed by the Judicial Magistrate No.IV (FAC), Salem, in C.M.P.No.4060 of 2024 in CC No.195 of 2018, thereby dismissing the application filed by the



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petitioner to recall PW.1 to PW.15.

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

3. The petitioners are arrayed as A1 and A3 in C.C.No.195 of 2018, on the file of the Judicial Magistrate No.IV (FAC), Salem. The petitioners are facing charges under Sections 420 and 109 of IPC. On the date of chief examination of PW.1 to PW.15, the petitioners failed to cross examine the prosecution witnesses.

4. The learned counsel for the petitioners submitted that they had filed a petition to quash the entire proceedings before this Court. They were under the impression that the said petition was allowed and as such, they did not cross examine the prosecution witnesses. Further, the second accused filed a quash petition before this Court in CrI.O.P.No.30010 of 2018 and the same was allowed by an order dated 01.07.2022.

5. However, on perusal of the petition filed before the Trial Court under Section 311 of Cr.P.C, reveals that nothing has been whispered about the



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quash petition filed by the petitioners or the second accused. In fact, in this petition also the petitioner did not even whisper about the quash petition number which was said to be filed before this Court. That apart, PW.1 was examined in the year 2019, PW.2 to PW.4 were examined in the year 2021, PW.3 to PW.13 were examined in the year 2022 and PW.14 and PW.15 were examined in the year 2023. The crime is of the year 2016 and the C.C is of the year 2018. Therefore, it is nothing but to drag proceedings.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 03.01.2025 in C.M.P.No.4060 of 2024 in CC.No.195 of 2018 passed by the Judicial Magistrate No.IV (FAC), Salem. The Trial Court is directed to complete the Trial in CC.No.195 of 2018, within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original petition is dismissed. Consequently, connected Miscellaneous petition is closed.

27.02.2025

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



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Judicial Magistrate No.IV (FAC), Salem.
2. The Inspector of Police,
Central Crime Branch,
Salem City.
3. The Public Prosecutor,
High Court, Madras.

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