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Crl.O.P.No.6359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM:

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

Crl.O.P.No.6359 of 2025

and

Crl.M.P.No.4076 of 2025

1. Govintharaju

2. Gnanasekaran

... Petitioners

Vs

State,
Sub-Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.
Crime No.221 of 2022, dt:16.05.2022 ,
U/s.147, 294(b), 323, 427 & 506(1) IPC

... Respondent

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C. /
Section 528 of B.N.S.S., to set aside the order passed by the Judicial
Magistrate No.II, Mettur, Salem dated 06.02.2025 in C.M.P.No.1 of 2025 in
C.C.No.345 of 2023.

For Petitioners : Mr.A.Ashok Kumar

For Respondent : Mr.K.M.D.Muhilan,



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Government Advocate (Crl. Side)



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ORDER

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This petition has been filed challenging the order dated 06.02.2025 in C.M.P. No. 1 of 2025 in C.C. No. 345 of 2023, passed by the learned Magistrate No. II, Mettur, Salem, thereby dismissing the application filed under Section 311 of Cr.P.C. to cross-examine PW.1 to PW.5 and PW.9.

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

3. The petitioners are accused in C.C. No. 345 of 2023 and they are facing charges under Sections 294(b), 323, 427, 506(i), and 325 of IPC. While that being so, the prosecution had examined PW.1 to PW.5, and PW.9 was examined-in-chief on 14.08.2024. However, the petitioners could not cross-examine the prosecution witnesses on the ground that the petitioners' counsel was absent on that day.

4. Admittedly, the petitioners did not cross-examine the prosecution witnesses, namely PW.1 to PW.5 and PW.9. In order to fulfil their defence,



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the petitioners may be given one more opportunity to cross-examine the prosecution witnesses.

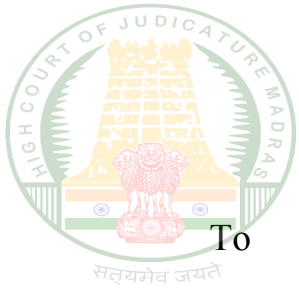
5. In view of the above, this Court is inclined to set aside the impugned order. Accordingly, the impugned order dated 06.02.2025 is hereby set aside, and the petitioners are permitted to cross-examine the witnesses, PW.1 to PW.5 and PW.9, on payment of Rs.1,000/- to each of the said prosecution witnesses as costs. Thereafter, the Trial Court is directed to fix a date for the cross-examination of PW.1 to PW.5 and PW.9, and on that date, if the petitioners fail to cross-examine PW.1 to PW.5 and PW.9, the Trial Court is directed to proceed in accordance with law.

6. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

06.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

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1. The Sub-Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.
2. The Judicial Magistrate No.II, Mettur, Salem
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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