



CrI.O.P.No. 8833 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

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

CrI.O.P.No.8833 of 2025

1.Maria Sathyaraj
2.Alexandar
3.Marykala

.....Petitioners

vs.

State rep.by
The Sub Inspector of Police,
Oomangalam Police Station.
(Crime No.96 of 2019)

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 13.02.2025 in CrI.M.P.No.91 of 2025 in S.C.No.57 of 2020 on the file of Sessions Judge, Mahila Court, Cuddalore.

For Petitioners : Mr.Mohanavadivelan

For Respondent : Mr.A.Gopinath
Govt.Advocate (CrI.side)

ORDER

This petition has been filed to set aside the order dated 13.02.2025 in C.M.P.No.91 of 2025 in S.C.No.57 of 2020 on the file of Session



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Judge, Mahila Court, Cuddalore. thereby dismissing the petition filed by the petitioners under Section 311 of Bharatiya Nagarik Suraksha Sanhita to recall P.W. 1 to P.W.3 for cross-examination.

2. The petitioners are facing trial for the offences under Sections 302 & 201 of IPC in S.C.No.57 of 2020 on the file of the Sessions Judge, Mahila Court, Cuddalore. On the date of chief examination of P.W1 to P.W3, the petitioners were unable to cross examine them. Thereafter, the prosecution witnesses were examined and finally, After that, when the trial is pending, the petitioners filed a petition under Section 311 of Cr.P.C in CrI.M.P.No.91 of 2025 in S.C.No.57 of 2020 Since P.W.1 to P.W.3 have not been cross examined by the counsel due to pendency of quash petition in CrI.O.P.No.6497 of 2022 before this Court on the same day and the said petition was dismissed. Hence, the petitioners have filed a petition in CrI.M.P.No.91 of 2025 and the same was dismissed by an order dated 13.02.2025. Challenging the same, the petitioners have come forward with the present petition.

3. Admittedly, the petitioners did not cross examine P.W.1 to P.W.3 on the date of their chief examination. However, the petitioners



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may be given one more opportunity to put forth by their defence by way of cross examination.

4. In view of the above, the order dated 13.02.2025 in CrI.M.P.No.91 of 2025 in S.C.No.57 of 2020 on the file of Sessions Judge, Mahila Court, Cuddalore, is hereby set aside. The Trial Court is directed to fix a date for the cross examination of P.W.1 to P.W.3. If the petitioners fail to cross examine of P.W.1 to P.W.3 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law. The petitioners are permitted to cross examine P.W.1 to P.W.3 on payment of cost of Rs.2,000/- each to them.

5. In the result, this Criminal Original Petition stands allowed.

25.03.2025

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



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G.K.ILANTHIRAIYAN, J.

k kd

To

1. The Sub Inspector of Police,
Oomangalam Police Station.
2. The Sessions Judge, Mahila Court,
Cuddalore.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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