



CrI.O.P.No. 8805 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.8805 of 2025

M.Jothilakshmi

.....Petitioner

vs.

State rep.by
The Sub Inspector of Police,
CCB, Tirupur City.
(Crime No.28 of 2018)

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondent to call for the records and set aside the order dated 25.02.2025 in C.M.P.No.130 of 2025 in C.C.No.647 of 2019 on the file of Judicial Magistrate No.I, Tirupur.

For Petitioner : Mr.M.Mohamed Riyaz

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

ORDER

This petition has been filed to set aside the order dated 25.02.2025 in C.M.P.No.130 of 2025 in C.C.No.647 of 2019 on the file of Judicial



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Magistrat No.I, Tirupur thereby dismissing the application filed by the petitioner under Section 240(a) of Bharatiya Nagarik Suraksha Sanhita to recall P.W12 for cross-examination.

2. The petitioner is facing trial for the offences under Sections 120(b), 420, 467, 468, 471 and 475 of IPC in C.C.No.647 of 2019 on the file of the Judicial Magistrate No.I, Tirupur. On the date of chief examination of P.W12, the petitioner was unable to cross examine him. Thereafter, the prosecution witnesses were examined and finally, After that, the petitioner engaged a counsel and filed the petition to recall P.W12 for cross examination in CrI.M.P.No.130 of 2025. The said application was dismissed by an order dated 25.02.2025. Challenging the same, the petitioner has come forward with the present petition.

3. Admittedly, the petitioner did not cross examine P.W12 on the date of his chief examination. However, the petitioner may be given one more opportunity to putforth by his defence by way of cross examination.

4. In view of the above, the order dated 25.02.2025 in CrI.M.P.No.130 of 2025 in C.C.No.647 of 2019 on the file of Judicial



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Magistrate No.I, Tirupur, is hereby set aside. The Trial Court is directed to fix a date for the cross examination of P.W12. If the petitioner fails to cross examine P.W12 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law. The petitioner is permitted to cross examine P.W12 on payment of cost of Rs.2,500/- to him.

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

25.03.2025

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

To

- 1.The Sub Inspector of Police,
CCB, Tirupur City.
2. The Judicial Magistrate No.I,
Tirupur.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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25.03.2025