



Crl.O.P.No.8913 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM:

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

Crl.O.P.No.8913 of 2025

1.Ubalthaullah @ Settu
2.Inayathullah
3.Nagoor Meeran @ Settu

... Petitioners

Vs

State by Tamil Nadu,
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 528 of BNSS Act, 2023/Section 482 of Cr.P.C., pleaded to set aside the dismissed order dated 09.01.2025 in Crl.M.P.No.12818 of 2024 passed by the trial Court connected with C.C.No.1551 of 2021 (On the file of Learned XV Metropolitan Magistrate, George Town at Chennai).

For Petitioners	: Mr.M.Illiyas
For Respondent	: Mr.A.Gopinath
	Government Advocate (Crl. Side)



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ORDER

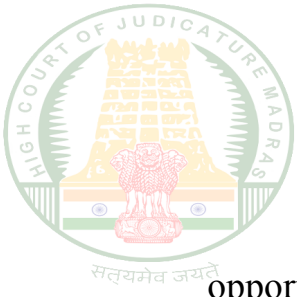
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This Criminal Original Petition has been filed to set aside the dismissed order dated 09.01.2025 in Crl.M.P.No.12818 of 2024 passed by the trial Court connected with C.C.No.1551 of 2021, thereby dismissing the petition filed under Section 311 of Cr.P.C to recall PWs.1 to 5 for cross examination.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

3. The petitioners are accused and facing trial in C.C.No.1551 of 2021 for the offences punishable under Sections 294(b), 324 and 506(ii) read with Section 34 of IPC. The prosecution had examined PWs.1 to 5. PWs.1 to 4 were already cross examined by the petitioner. The Investigating Officer was examined as PW.5. However, the petitioner failed to cross examine PW.5. Even then, the petitioner filed to recall PWs.1 to 5 for cross examination.

4. In view of the above, the petitioners may be given one more



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opportunity to cross examine only PW.5, in order to put forth their defence by cross examination. Accordingly, the order dated 09.01.2025 in Crl.M.P.No.12818 of 2024 passed by the trial Court in C.C.No.1551 of 2021, on the file of the XV Metropolitan Magistrate, George Town at Chennai is hereby set aside.

5. The Trial Court is directed to fix a date for cross examination of PW.5 and if the petitioners fail to cross examine PW.5 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

6. Accordingly, this Criminal Original Petition is allowed.

26.03.2025

Index: Yes/No
Speaking Order: Yes/No
mn

G.K.ILANTHIRAIYAN,J.



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mn

To

- 1.The XV Metropolitan Magistrate,
George Town at Chennai.
- 2.The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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