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Crl.O.P.No.9906 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM:

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

Crl.O.P.No.9906 of 2025

and

Crl.M.P.No.6570 of 2025

P.Nagaraj @ Nagu

.... Petitioner

Vs

State rep by
its Deputy Commissioner of Police
CBCID, Metro Unit II,
Chennai.

.... Respondent

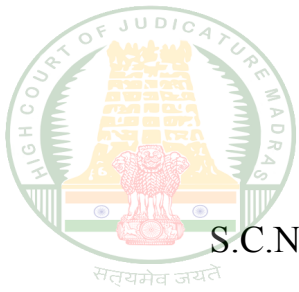
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the Sessions Judge, Magalir Neethi Mandram, at Allikulam in Chennai dated 11.03.2025 in Crl.M.P.No.1662/2025 in S.C.No.4/2020 and recall the PW.1 for the cross examination.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed challenging the order dated 11.03.2025 passed in Crl.M.P.No.1662 of 2025 in



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S.C.No.4 of 2020 by the Sessions Judge, Magalir Neethi Mandram, Allikulam, Chennai, thereby dismissing the application filed to recall P.W.1 for further cross examination.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is arrayed as A2 in S.C.No.4 of 2020 and is facing trial for the offence punishable under Section 302 of IPC. So far the prosecution had examined P.Ws.1 to 50. Though P.W.1 was cross examined by the first accused, the petitioner failed to cross examine P.W.1, since he had not engaged a counsel at the relevant time. The petitioner has now engaged a new counsel to purforth his defence.

4. It is pertinent to note that P.W.1 was originally arrayed as an accused and subsequently turned approver, and was examined as P.W.1. Therefore, in order to meet the ends of justice, this Court is inclined to grant one more opportunity to the petitioner to cross examine P.W.1 so as to enable him to purforth his defence.



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5. In view of the above, the order dated 11.03.2025 passed

in Crl.M.P.No.1662 of 2025 in S.C.No.4 of 2020 by the Sessions Judge,

Magalir Neethi Mandram, Allikulam, Chennai, is hereby set aside. The Trial Court is directed to fix a date to recall P.W.1 and permit the petitioner to cross examine him. If the petitioner fails to cross examine P.W.1 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

6. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

03.04.2025

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

To

1.The Sessions Judge,
Magalir Neethi Mandram, Allikulam,
Chennai

2.The Deputy Commissioner of Police
CBCID, Metro Unit II,
Chennai.



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3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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