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Crl.O.P.No.13946 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.13946 of 2025

and

Crl.M.P.No.9348 of 2025

Balamurugan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District,
Crime No.359 of 2017.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the order dated 24.01.2025 made in C.M.P.No.142 of 2025 in S.C.No.142 of 2018 on the file of the learned III Additional District and Sessions Judge, Coimbatore District and set aside the same.

For Petitioner : Mr.A.Saranraj

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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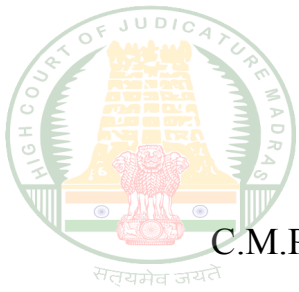
ORDER

WEB COPY This Criminal Original Petition has been filed challenging the dismissal of the petitioner's application before the trial Court for re-call of P.W.7 to P.W.13 for cross examination.

2. Learned counsel for the petitioner submitted that at the time of examination of P.W.7 to P.W.13, the petitioner was not able to cross-examine them, since the petitioner was in jail and he could not contact his counsel on the date of examination of the witnesses. He further submitted that one opportunity may be given to the petitioner to cross-examine those witness and the petitioner will abide by any stringent condition that may be imposed by this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

4. It is seen from the records that the learned III Additional District and Sessions Judge, Coimbatore has dismissed the petition



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C.M.P.No.142 of 2025 in S.C.No.142 of 2018 on the ground that the

petitioner has not given any valid reason for re-call of P.W.7 to P.W.13 for cross-examination, even though the petitioner/accused was represented by his counsel during the examination of above witnesses, but he did not choose to cross examine those witnesses. However, considering the facts and circumstances and in the interest of justice, this Court is of the view that the petitioner herein shall be given one more opportunity to cross examine the witnesses i.e., P.W.7 to P.W.13 on payment of costs. Hence, the Criminal Original Petition is allowed with the following directions :

(i) The petitioner can recall P.W.7 to P.W.13 on payment of costs of Rs.5,000/- for each of the witnesses.

(ii) The petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) for each of witnesses i.e., (P.W.7 to P.W.13) as costs to the credit of S.C.No.142 of 2018 on the file of the III Additional District and Sessions Judge, Coimbatore, on or before 20.06.2025.

(iii) On such deposit, the Court below is directed to issue summons to P.W.7 to P.W.13 and fix a date for their appearance and record their evidence. The defence counsel is directed to cross examine



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the witnesses on the same day itself.

WEB COPY (iv) On appearance of P.W.7 to P.W.13, the Court below shall disburse the said amount i.e., each Rs.5,000/- to the witnesses.

(v) In default to deposit the said amount on or before 20.06.2025, this petition shall stand dismissed automatically, without any further reference to this Court.

(vi) Consequently, connected miscellaneous petition is closed.

02.06.2025

Note : Issue order copy on 04.06.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The III Additional District and Sessions Judge,
Coimbatore District.
2. The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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