



Crl.O.P.No.10968 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM:

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

Crl.O.P.No.10968 of 2025

and

Crl.M.P.No.7259 of 2025

1.Baskar
2.Pachamuthu
3.Balan
4.Karthikeyan
5.Gokul @ Kumaravel
6.Siva
Ananth @ Ananthabaskar (Died) Petitioners

Vs

The Station House Officer
Kadanmpuliyur Police Station,
Cr.no. 491 of 2012 Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the order dated 08.03.2023 made in C.M.P. No.1429 of 2021 in C.C.No. 200 of 2015 on the file of Judicial Magistrate Court No.II, Panruti and set aside the same as illegal.

For Petitioners : Mr.S.Marshall

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

ORDER



Crl.O.P.No.10968 of 2025

This Criminal Original Petition has been filed challenging

the order dated 08.03.2023 passed in C.M.P.No.1429 of 2021 in C.C.No.200 of 2015 by the Judicial Magistrate No.II, Panruti, thereby dismissing the application filed by the petitioners under Section 311 of Cr.P.C. to recall P.Ws.1 to 3 for cross examination.

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

3. The petitioners are the accused in C.C.No.200 of 2015. At the time of chief examination of P.Ws. 1 to 3, the petitioner failed to cross examine them. Thereafter, the petitioners filed a petition in C.M.P.No.744 of 2020 seeking to recall P.Ws. 1 to 3. However, it was dismissed as not pressed. Thereafter, in the year 2021, the present petition was filed by the petitioners to recall P.Ws.1 to 3. However, it was dismissed by an order dated 08.03.2023.

4. Admittedly, the petitioners did not cross examine P.Ws.1 to 3 so far. The petitioners are facing trial for the offences under Sections 147, 148, 448, 294(b), 324 and 506(2) of IPC and Section 326 of IPC. In



Crl.O.P.No.10968 of 2025

order to give one more opportunity to the petitioner to purforth his defence, this Court is inclined to allow the petition to recall P.Ws.1 to 3 for cross examination.

5. In view of the above, the order dated 08.03.2023 passed in C.M.P.No.1429 of 2021 in C.C.No.200 of 2015 by the Judicial Magistrate No.II, Panruti, is hereby set aside on condition that the petitioners shall pay a sum of Rs.2,000/- each to P.Ws. 1 to 3 for cross examination. The Trial Court is directed to fix a date for the cross examination of P.Ws.1 to 3. If the petitioners fail to cross examine the said witnesses 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.

15.04.2025

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

G.K.ILANTHIRAIYAN, J.



Crl.O.P.No.10968 of 2025

Lpp

WEB COPY

1.The Judicial Magistrate Court No.II, s
Panruti

2.The Station House Officer
Kadanmpuliyur Police Station,
Cuddalore.

3.The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.10968 of 2025

15.04.2025