



Crl.O.P.No.12182 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

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

Crl.O.P.No.12182 of 2025

and

Crl.M.P.No.8132 of 2025

1. Kamal

2. Rani

3. Anandha Selvan

.... Petitioners

Vs

The State rep by

The Inspector of Police,

All Women Police Station,

Perambalur

Crime No.13 of 2022

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 03.04.2025 in Crl.M.P.No.434 of 2025 in S.C.No.33 of 2023 on the file of the Sessions Judge, Mahila Court, Perambalur and allow this Criminal Original Petition granting permission to the petitioner to recall P.Ws.1 to 3 for cross-examination.

For Petitioners : Mr.T.Balaji

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

ORDER



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This Criminal Original Petition has been filed challenging

the order dated 03.04.2025 passed in Crl.M.P.No.434 of 2025 in S.C.No.33 of 2025 by the Sessions Judge, Mahila Court, Perambalur, thereby dismissed the application filed 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 facing trial for the offences punishable under Sections 294(b), 406, 417, 376 and 506(2) of IPC. So far, the prosecution had examined P.Ws. 1 to 5. P.Ws. 1 and 2 were examined on 20.01.2025 and P.W.3 was examined on 21.01.2025. However, the petitioners wrongly stated the date of their chief examination in the recall petition. On the said ground, the application filed by the petitioners was dismissed. Admittedly, the petitioners did not cross examine P.Ws.1 to 3, due to the ill health of their counsel. Therefore, the petitioner may be given one more opportunity to put forth their defence by way of cross examination.

4. In view of the above, the order dated 03.04.2025 passed



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in Crl.M.P.No.434 of 2025 in S.C.No.33 of 2025 by the Sessions Judge,

WEB COM Mahila Court, Perambalur, is hereby set aside on condition that the petitioner 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 petitioner fails 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.

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

22.04.2025

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

Note : Issue order copy today i.e., on 22.04.2025

To

1.The Sessions Judge,
Mahila Court, Perambalur.

G.K.ILANTHIRAIYAN, J.



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WEB COPY

2. The Inspector of Police,
All Women Police Station,
Perambalur

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

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22.04.2025