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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

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

Crl.O.P.No.3392 of 2025

Harish ... Petitioner

Vs

The State Rep By
The Inspector of Police,
Ariyur Police Station,
Vellore District.
Crime No.294/2017 ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the order passed in Crl.M.P.No.5380 of 2024 in CC.No.405 of 2019 on the file of the Judicial Magistrate No.I, Vellore dated 18.04.2024 and set aside the same.

For Petitioner : Mr.V.Thiyagarajan
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.5380 of 2024 in CC.No.405 of 2019 on the file of the Judicial Magistrate No.I, Vellore dated 18.04.2024.

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2. Heard both sides and perused the materials available on record.

3. The petitioner is facing charges for the offences under Sections 279 and 304A of IPC in C.C.No.405 of 2019. It is the case of an accident. The prosecution had examined PW1 to PW7, in which the Investigating Officer was examined as PW7. However, the petitioner was not able to cross examine PW1, on the date of chief examination.

4. Admittedly, the petitioner did not cross examine PW7 so far. PW7 being an Investigating Officer, it is just and necessary for the petitioner to cross examine him to put forth his defence. Therefore, the petitioner may be given one more opportunity to cross examine PW7 to meet the ends of justice.

5. In view of the above, the impugned order dated 18.04.2024 passed in Crl.M.P.No.5380 of 2024 in CC.No.405 of 2019 on the file of the Judicial Magistrate No.I, Vellore, is hereby set aside. The Trial Court is directed to fix a date for cross examination of PW7 by the petitioner. If the petitioner fails to cross examine PW7 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

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6. In the result, this Criminal Original Petition stands allowed.

10.02.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order

mn

To

1. The Judicial Magistrate No.I, Vellore.

2. The Inspector of Police,
Ariyur Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN. J,

mn

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