



CrI.O.P.No.17056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.17056 of 2025 and

CrI.M.P.No.10694 of 2025

1. Ravichandran

2. Senthil

... Petitioners

Vs.

State of Tamilnadu rep. by
The Inspector of Police
Central Crime Branch Police Station
Tiruppur
Tiruppur District
(Crime No.28 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the order dated 11.03.2025 made in CrI.M.P.No.552 of 2025 in C.C.No.647 of 2019 on the file of Judicial Magistrate No.1, Tiruppur.

For Petitioners

: Mr.C.S.Saravanan

For Respondent

: Dr.C.E.Pratap

Government Advocate (CrI. Side)



CrI.O.P.No.17056 of 2025

ORDER

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This Criminal Original Petition has been filed by the petitioners to set aside the order dated 11.03.2025 made in CrI.M.P.No.552 of 2025 in C.C.No.647 of 2019 on the file of Judicial Magistrate No.1, Tiruppur.

2. The learned counsel for the petitioners submitted that the petitioners are facing trial in C.C.No.647 of 2019 on the file of Judicial Magistrate No.1, Tiruppur for the offences under Sections 120(B), 420, 467, 468, 471 and 475 of IPC. At the time of examination of the prosecution witnesses viz., P.W.1 to P.W.8, certain important documents were not available with the petitioners and hence, the petitioners could not cross examine the said witnesses. Thereafter, the petitioners filed a petition in CrI.M.P.No.552 of 2025 under Section 311 of Cr.P.C. (Section 348 of B.N.S.S.) to recall the said witnesses for the purpose of cross examination. But the learned Magistrate without considering the same, dismissed the petition by order dated 11.03.2025. Hence, challenging the same, the present petition is filed. The learned counsel further submitted that one of



Crl.O.P.No.17056 of 2025

the co-accused, had filed a petition before this Court in Crl.O.P.No.8809 of

2025 challenging the dismissal order passed in C.M.P.No.130 of 2025

whereby, the learned Magistrate dismissed the petition to recall P.W.12. This

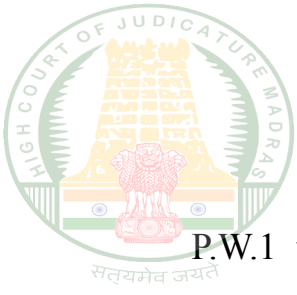
Court allowed the said petition by order dated 25.03.2025 on cost of Rs.2,500/-.

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

4. A perusal of records shows that despite sufficient opportunity was given to the petitioners, they failed to utilize the same and cross examine the witnesses and thereby, the learned Magistrate has rightly dismissed the petition filed by the petitioners. However, in order to give one more opportunity to the petitioners, the order passed by the Judicial Magistrate No.1, Tiruppur, in Crl.M.P.No.552 of 2025 dated 11.03.2025 is set aside.

5. Accordingly, the petitioners are permitted to cross examine the witnesses P.W.1 to P.W.8 on payment of cost of Rs.2,500/- to each of the witnesses.

6. The trial Court is directed to fix a date for the cross examination of



CrI.O.P.No.17056 of 2025

P.W.1 to P.W.8 and the petitioners are directed to cross examine the said

witnesses on the same day of their appearance. Failing which, the trial Court is

directed to proceed with the trial in accordance with law.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

13.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.O.P.No.17056 of 2025

To

WEB COPY

1. The Judicial Magistrate No.1,
Tiruppur.
2. The Inspector of Police
Central Crime Branch Police Station
Tiruppur
Tiruppur District
3. The Public Prosecutor
High Court of Madras, Chennai



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CrI.O.P.No.17056 of 2025

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.17056 of 2025

13.06.2025