



Crl.O.P.No.17678 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17678 of 2025 and
Crl.M.P.No.11397 of 2025

1. Kosalai
2. Saravanan
3. Lakshmi
4. Janaki

... Petitioners

Vs.

1. Sangupathy
2. Veeraraj
3. Nallathambi
4. Sasikumar
5. Ponnusamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order passed by the learned Judicial Magistrate No.1, Mettur in CMP No.1 of 2025 in C.C.No.135 of 2014 dated 28.04.2025 and consequently, permit the petitioner to recall the P.W.1 and record the additional evidences.

For Petitioners : Mr.C.Rajaguru



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ORDER

This Criminal Original Petition has been filed by the petitioners to set aside the order passed by the learned Judicial Magistrate No.1, Mettur in CMP No.1 of 2025 in C.C.No.135 of 2014 dated 28.04.2025 and consequently, permit the petitioners to recall the P.W.1 and record the additional evidences.

2. The learned counsel for the petitioners submitted that the petitioners are facing trial in C.C.No.135 of 2014 on the file of the Judicial Magistrate No.1, Mettur. Initially the case was tried as a summon case without framing of charges. Later, the Magistrate framed charges and conducted the case as a warrant case. Further, the petitioners were not given opportunity to cross examine the witness after framing of additional charges. Therefore, the petitioners filed a petition in CMP No.1 of 2025 to recall P.W.1 for further cross examination. But, the same was dismissed by order dated 28.04.2025. Hence, challenging the same, the present petition is filed.

3. Heard the learned counsel for the petitioners and perused the materials available on record.



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4. Considering the facts and circumstances of the case, in order to give one more opportunity to the petitioners, the impugned order passed by the learned Judicial Magistrate No.1, Mettur in CMP No.1 of 2025 in C.C.No.135 of 2014 dated 28.04.2025 is set aside.

5. The Magistrate is directed to summon the witness/P.W.1 for the purpose of cross examination. On appearance of the witness, the defence counsel is directed to cross examine the witness on the same day. Failing to cross examine the witness on the same day of his appearance for one or other reasons, the petitioners will lose their right of cross examination.

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

19.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To
The Judicial Magistrate No.1,
Mettur



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