



Crl.O.P.No.18487 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

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

Crl.O.P.No.18487 of 2024
and Crl.M.P.No.10954 of 2024

Ranjana Devi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No.193 of 2019)

... Respondent

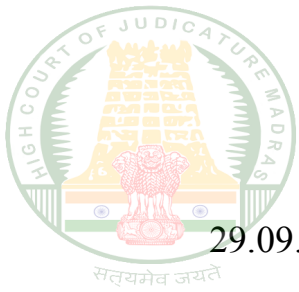
Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order of dismissal in order dated 29.09.2023 made in Crl.M.P.No.9324 of 2023 in S.T.C.No.496 of 2022 on the file of the learned Judicial Magistrate No.I, Krishnagiri, by allowing this petition.

For Petitioner : Mr.Marudhachalamurthy

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging order dated



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29.09.2023 passed in Crl.M.P.No.9324 of 2023 in S.T.C.No.496 of 2022

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on the file of the learned Judicial Magistrate No.I, Krishnagiri, thereby dismissing the petition filed by the petitioner under Section 311 of Cr.P.C., to recall witnesses.

2. The petitioner is the sole accused in S.T.C.No.496 of 2022 for the offence punishable under Sections 294(b), 323, 506(2) of IPC. The prosecution had examined P.W.1 to P.W.4. However, the petitioner failed to cross-examine them and filed a petition under Section 311 of Cr.P.C., to recall them for cross-examination. It was dismissed on the ground that P.W.1 to P.W.4 were chief examined 1-½ years ago.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Admittedly, the petitioner did not cross-examine P.W.1 to P.W.4, after their chief examination. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put fourth his defence. Accordingly, the order dated 29.09.2023 passed by the learned Judicial Magistrate No.I,



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Krishnagiri, in Crl.M.P.No.9324 of 2023 in S.T.C.No.496 of 2022, is

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hereby set aside and the petitioner is permitted to cross examine P.W.1 to P.W.4 on the date fixed by the trial Court. If the petitioner failed to cross-examine P.W.1 to P.W.4 on that date, the trial Court is directed to proceed with trial in accordance with law.

5. With the above directions, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.02.2025

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

rts

To

1. Judicial Magistrate No.I, Krishnagiri.

2. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

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



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G.K.ILANTHIRAIYAN, J.

rts

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