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CRL OP No. 20493 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 20493 of 2025

1. MUTHUVEL

S/o.Adhimoolam,
No.78, Mariyamman Kovil Street,
Perani, Villupuram District.

Petitioner(s)

Vs

1. The State Rep by,
The Station House Officer,
Villupuram, AWPS,
In Cr.No.14/2015.

Respondent(s)

PRAYER

Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order dated 17.02.2025 passed in CrI.M.P.No.7199/2024 in S.C.No.238/2018 on the file of the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram.



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For Petitioner(s): Mr.S. Saravana Kumar

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

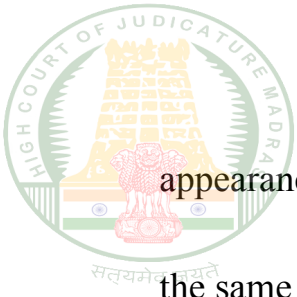
Criminal Original Petition has been filed to set aside the order dated 17.02.2025 passed in CrI.M.P.No.7199/2024 in S.C.No.238/2018 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram.

2. The petitioner has filed the petition under Section 311 of Cr.P.C., in CrI.M.P.No.7199 of 2024 in S.C.No.238 of 2018 on the file of the Magalir Neethi Mandram, (Fast Track Mahila Court) Villupuram, seeking to recall P.W.6 and P.W.11 for cross examination. The learned Sessions Judge, vide impugned order dated 17.02.2025, allowed the petition on condition that the petitioner has to deposit costs of Rs.1,500/- and also non-refundable sum of Rs.2000/- to the Legal Services Authority, Villupuram within seven days from the date of the impugned order. Aggrieved by the same, the petitioner has filed this criminal original petition.



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3. On a perusal of the records, it is seen that though sufficient opportunity was given to the petitioner by the trial court, the petitioner did not utilize the same. The petitioner failed to comply with the order of the learned Sessions Judge and he is waiting for four months and only in order to protract the case, he has filed this criminal original petition. The petitioner has purposefully evaded to complete the cross-examination. The petitioner has not approached this Court with clean hands. However, in order to give one more opportunity to the petitioner and also in the interest of justice, this Court is inclined to set aside the impugned order passed by the learned Sessions Judge and accordingly, the impugned order dated 17.02.2025 passed in CrI.M.P.No.7199/2024 in S.C.No.238/2018 on the file of the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram is set aside on condition that the petitioner has to deposit a sum of Rs.10,000/- to each of the witnesses (totally Rs.20,000/-) to the credit of S.C.No.238 of 2018 before the trial Court on or before 8th August 2025. On such deposit being made by the petitioner, the trial Court is directed to pay the said costs to the witnesses P.W.6 and P.W.11. Further, the trial Court is directed to issue summons to the witnesses and on



appearance of the witnesses, the petitioner is directed to cross-examine them on the same day itself. In case, the petitioner fails to comply with the order of this

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Court within the stipulated time or fails to cross-examine the witnesses on the date of appearance of the witnesses itself, the petitioner will lose his right of cross-examination of the witnesses and he will not be entitled to cross-examine the witnesses thereafter.

4. With the abovesaid direction, this Criminal Original Petition is disposed of.

21-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Sessions Judge,
Magalir Neethi Mandram
(Fast Track Mahila Court),
Villupuram.

2. The Station House Officer,
Villupuram, AWPS.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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