



Crl.O.P.No.19553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19553 of 2025

and

Crl.M.P.No.13470 of 2025

Yuvaraj

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
B-1 Police Station,
Coimbatore.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to set aside the order made in Crl.M.P.No.5 of 2025 in C.C.No.227 of 2016 passed by the learned Judicial Magistrate No.V, Coimbatore.

For Petitioner : Mr.C.D.Johnson

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

ORDER

The Criminal Original Petition is filed to set aside the order made in Crl.M.P.No.5 of 2025 in C.C.No.227 of 2016 passed by the Judicial Magistrate No.V, Coimbatore.



CrI.O.P.No.19553 of 2025

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

WEB COPY

3. It is seen from the records that the petitioner/accused is facing trial in C.C.No.227 of 2016 before the learned Judicial Magistrate No.V, Coimbatore. During trial, on the side of the prosecution, totally 12 witnesses were examined-in-chief on several days, i.e., P.W.1 and P.W.2 on 23.08.2017, P.W.3 and P.W.4 on 20.02.2018, P.W.6 on 13.02.2020, P.W.7 on 10.04.2023, P.W.8 on 22.05.2023, P.W.9 on 28.11.2023, P.W.10 on 05.01.2024, P.W.11 on 12.06.2024 and P.W.12 on 22.10.2024. However, they were not cross-examined by the counsel for the petitioner/accused on the same day of examination. Hence, the petitioner filed a petition in CrI.M.P.No.5 of 2025 before the Judicial Magistrate Court No.V, Coimbatore, invoking Section 311 Cr.P.C., for recall of P.W.1 to P.W.12 for cross-examination. The learned Magistrate, *vide* order dated 16.06.2025 dismissed the petition on the ground that, since the case is pending for more than 9 years and sufficient opportunity having been given, the petitioner, with an intention only to drag on the proceedings, has not come up with the petition to cross examine the witnesses.

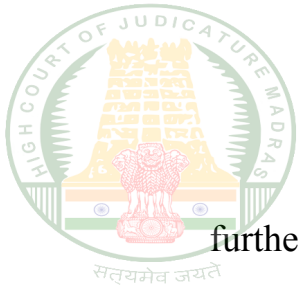


Crl.O.P.No.19553 of 2025

4. Considering the facts and circumstances of the case and also in

the interest of justice, the petitioner herein can be given one more opportunity to cross examine the witnesses on payment of costs.

5. Hence the Criminal Original Petition is allowed by setting aside the order dated 16.06.2025 in Crl.M.P.No.5 of 2025 and the petitioner shall recall the witnesses i.e., P.W.1 to P.W.12 on payment of costs of Rs.10,000/- (Rupees Ten Thousand only) for each one of the witnesses, totally Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only). The petitioner shall deposit a sum of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the credit of C.C.No.227 of 2016 before the Judicial Magistrate No.V, Coimbatore on or before 31.07.2025. On such deposit, P.W.1 to P.W.12 can be re-called and re-examined in cross. On appearance of P.W.1 to P.W.12, the petitioner is directed to complete the cross examination of those witnesses for three days i.e., on 04.08.2025, 05.08.2025 and 06.08.2025 and after completing the recording of their evidence, the trial Court shall disburse the said amount i.e., each Rs.10,000/- to the 12 witnesses. Thereafter, the trial Court shall proceed with the case further in accordance with law. In default to deposit the said amount, this petition shall stand dismissed automatically, without any



CrI.O.P.No.19553 of 2025

further reference to this Court.

WEB COPY

6. Consequently, connected miscellaneous petition is closed.

15.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ms

To

The Judicial Magistrate No.V
Coimbatore.



WEB COPY



CrI.O.P.No.19553 of 2025

P.VELMURUGAN, J

ms

CrI.O.P.No.19553 of 2025

15.07.2025