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CRP. No.3441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.3441 of 2024

M.Arumugam

Petitioner(s)

Vs

A.Vijayasanthi

Respondent(s)

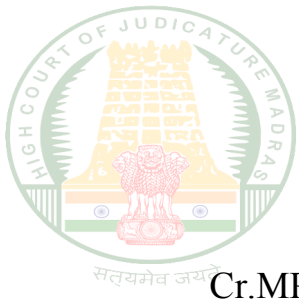
PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order passed in CrI.M.P. No.108 of 2024 in D.V.C. No.30 of 2023 dated 11.06.2024 by the Judicial Magistrate, Additional Mahila Court, Thiruvannamalai.

For Petitioner(s) : Mr.K.Karthikeyan

For Respondent(s): No Appearance

ORDER

Heard Mr.K.Karthikeyan, learned counsel for the petitioner. Despite service of notice on the respondent, the respondent has not chosen to enter appearance either in person or through counsel. The respondent is called and set ex-parte.



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2. This Civil Revision Petition is directed against the dismissal of Cr.MP.108 of 2024 in DVC. No.30 of 2023. The said Cr.MP was taken out for recalling P.W.1 for the purposes of further examination. The learned Trial Judge has dismissed the Application stating that the petitioner has not given any justifiable reasons and not stated as to what documents were intended to be relied on during cross examination.

3. I have gone through the affidavit filed in support of Crl.M.P. No.108 of 2024, where the petitioner has clearly stated that on the assigned date, the cross examination was not conducted for two reasons; one, the learned counsel on record was held up in High Court and secondly, the documents pertaining to the case were not readily available.

4. It is suffice for the petitioner to give such reasons seeking recall of P.W.1. The Trial Court cannot expect the petitioner to list out all the documents which are sought to be relied on during cross examination. In fact, if such is the ask, it would be a give away to the witness, who is going to be cross examined. The substance of the Application has to be taken note of by the Trial Court instead of conducting a roving enquiry as to what are



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documents that are going to be relied on during cross examination.

Therefore, I am inclined to set aside the order of the Trial Court.

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5. Accordingly, this Civil Revision Petition is allowed. No costs.

18.06.2025

rkp

To
The Judicial Magistrate,
Additional Mahila Court,
Thiruvannamalai



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P.B.BALAJI, J.,

rkp

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