



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22255 of 2025

1. K.Shanmugam
S/o.Kaliyannan, No.106-D, Sankari
Road, Thiruchengode, Namakkal
District.

Petitioner(s)

Vs

1. A.C.Venkatachalam
S/o.Chinna Gounder

2.V.Sankar
A.C.Venkatachalam, Both are residing
at, No.E-38, Sankari Road,
Thiruchengode, Namakkal District.

3.The State Rep by, The Inspector of
Police,
Thiruchengode Town Police Station,
Namakkal District. Cr.No.104/2012.

Respondent(s)



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PRAYER Criminal Original Petition filed under section 528 of BNSS to set aside the order in CrI.M.P.No.146/2025 in CC No.29/2021 dated 19.05.2025 passed by the Learned Judicial Magistrate, Thiruchengode.

For Petitioner(s): J.Franklin

For Respondent(s): Mr.R.Vinodhraj,
Government Advocate [Crl.Side]
For R3

ORDER

Challenge has been made to the dismissal of the application filed by the petitioner to recall P.W.1 for the purpose of cross examination, in the present Criminal Original Petition.

2. The petitioner is the defacto complainant in C.C.No.29 of 2021 filed against the accused for the alleged offences under sections 448 and 506[2] of IPC. It is contention of the learned counsel appearing for the petitioner that he had been examined as P.W.1 in the case and also been cross examined on behalf of the accused. Now the accused had filed a petition to recall the petitioner for



further cross examination and the same has allowed by the trial Court.

Challenging the same, the present petition has been filed.

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3. On a perusal of the Order of the trial Court, this Court is of the view that the trial Court had considered the application and infact exercised its discretion and had given an opportunity to the accused to cross examine the witness. In such view of the matter, let the trial Court fix a date for cross examination of the witness and the accused shall complete the cross examination of the witness on the date fixed by the trial Court. If the cross examination has not been done on that date, his right for cross examination of the witness shall be forfeited.

4. With the above directions, this Criminal Original Petition is dismissed.

12-08-2025



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Judicial Magistrate,
Tiruchengode.

2. The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District. Cr.No.104/2012.



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N.SATHISH KUMAR J.

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