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CRL OP No. 22678 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22678 of 2025

1. M.A.Abdul Samad
S/o.Abubakkar, No.AP-1143, 19th
Central Cross Street, MKB, Nagar,
Vyasarpadi, Chennai - 600 039.

Petitioner(s)

Vs

1. The State Rep. By,
Inspector of Police, P5-MKB Nagar
Police Station, Chennai-600 039. in
Cr.No.1311/2021

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the order in CrI.M.P.No.3723/2025 dated 03.06.2025 in connection with CC.No.517/2025 pending on the file of learned X-th Metropolitan Magistrate, Egmore Chennai and pass such necessary orders which deems fit and thus render justice.



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For Petitioner(s): P.Madan

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

ORDER

This Criminal Original Petition has been filed to set aside the order in Crl.M.P.No.3723/2025 dated 03.06.2025 in connection with CC.No.517/2025 pending on the file of learned X-th Metropolitan Magistrate, Egmore Chennai.

2. The petitioner is the accused in the case in C.C.No.517 of 2025 facing trial for the offences under sections 294[b], 323 and 506[ii] IPC. The petitioner had filed a petition in Crl.M.P.No.3723 of 2025 for recall of P.W.1 for the purpose of cross examination. The said petition has been dismissed by the learned Judicial Magistrate on the ground that as P.W.1 has already been cross examined in detailed, the petition filed by the petitioner is not maintainable. Challenging the same, the present Criminal Original Petition has been filed.



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3. Considering the facts and circumstances of the case and in order to give an opportunity to the petitioner to cross examine P.W.1, I am inclined to allow this petition on payment of cost.

4. Accordingly, this Criminal Original Petition is allowed and the Order of the trial Court in CrI.M.P.No.3723 of 2025 in C.C.No.517 of 2023 dated 03.06.2025 is set aside on condition that the petitioner pays cost of Rs.2000/- [Rupees two thousand only] to P.W.1 on the date of his cross examination. The trial Court shall fix a date for cross examination of P.W.1 and the petitioner 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.

14-08-2025

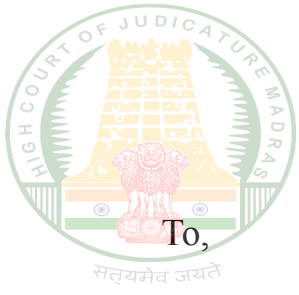
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc



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To,

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1. The X Metropolitan Magistrate,
Egmore, Chennai.

1. The Inspector of Police, P5-MKB
Nagar Police Station, Chennai-600 039.
in Cr.No.1311/2021



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N.SATHISH KUMAR J.

VRC

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