



WEB COPY

CRL OP No. 23625 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23625 of 2025

AND

CRL MP NO. 16112 OF 2025

1. Aranga Thirumaran

S/o.Aranganathan, No.23, Mooventhur
Nagar, Dhanalakshmi Garden,
Villupuram.

Petitioner(s)

Vs

1. Srinivasan

S/o.Paneerselvam, The Proprietor, Sri
Sai Thirumana Nilayam, T.Parangani
Village, Uppuvelur Post, Vanur Tauk,
Villupuram.

Respondent(s)

PRAYER : Petition filed under Section 528 of BNSS, to call for the entire records relating to the Impugned order dated 22.01.2025 passed in Crl.MP.No.5560 of 2024 in STC. 1211 of 2022 on the file of the learned Judicial Magistrate, Gingee and to set aside the order and to pass such or other orders as this Hon'ble Court may be deem fit and proper in these above facts and circumstances.



WEB COPY

CRL OP No. 23625 of 2025



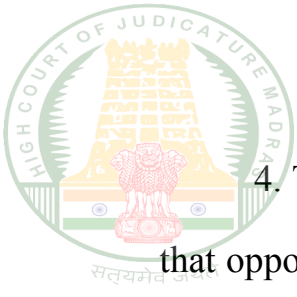
For Petitioner(s): M/s.G.Paramasivam
R.Raghul
B.Vetrivel
P.Sarveswaran
C.Abiman Reghunath

ORDER

This Petition has been filed to call for the entire records relating to the impugned order dated 22.01.2025 passed in Crl.MP.No.5560 of 2024 in STC. 1211 of 2022 on the file of the learned Judicial Magistrate, Gingee and to set aside the order.

2. Challenge has been made to the order of the Trial Court allowing to recall P.W.2 for cross examination. P.W.1 and P.W.2 were examined. When the matter was posted for cross examination of P.W.2 on 08.11.2024, 03.12.2024 and 07.12.2024, he has not been cross examined and his evidence has been closed. Therefore, an application has been taken out to recall and cross examine P.W.2.

3. The Trial Court taking note of the fact the evidence of the said witness has been closed without cross examination, had allowed the Petition subject to payment of Rs.1,500/- cost to the witness. Aggrieved over the same, P.W.2 had filed this Petition.



4. This Court is of the view that the Trial Court has taken note of the fact that opportunity should be given to the accused and had allowed the Petition on payment of Rs.1,500/- to the witness.

5. No doubt there was some negligent on the part of the accused in not cross examining the petitioner. The negligent mainly attributable to the lawyer and not to the accused. In such view of the matter, sufficient cost has been ordered for the appearance of P.W.2. Hence, I do not find any merit in this Petition and the same is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed. The Trial Court is directed to fix a date and ensure that the cross examination of P.W.2 should be completed on the same day. The accused shall cross examine P.W.2 on the date to be by the Trial Court. Consequently, connected miscellaneous petition is closed.

26-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

gsk



CRL OP No. 23625 of 2025



WEB C.S.N
1.Srinivasan

S/o.Paneerselvam, The Proprietor, Sri
Sai Thirumana Nilayam, T.Parangani
Village, Uppuvelur Post, Vanur Tauk,
Villupuram.



WEB COPY

CRL OP No. 23625 of 2025



N.SATHISH KUMAR J.

gsk

**CRL OP No. 23625 of
2025
AND CRL MP NO.
16112 OF 2025**

26-08-2025