

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 25048 of 2025 and
CRL MP NO.17003 OF 2025**

1. Kamesh @ Kamesh Raj
S/o. Siva Mani, Plot No.202,
Velan Nagar Main Road,
Valasaravakkam,
Thiruvallur District. 600087.

Petitioner(s)

Vs

1. State Rep by,
The Inspector of Police
Vellavedu Police Station,

Respondent(s)

PRAYER This Criminal Original Petition is filed under Section 482 of the Cr.P.C./528 of BNSS, to set aside the order dated 29.07.2025 passed in CMP.No.829/2025 in CC.No.386/2022 on the file of the Judicial Magistrate No.II, Poonamallee and allow the Criminal Original petition.

For Petitioner(s): Mr.K. Sasindran

For Respondent(s): Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 29.07.2025 passed in CMP.No.829/2025 in CC.No.386/2022 on the file of the Judicial Magistrate No.II, Poonamallee and allow the Criminal Original petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. The petitioner is facing trial for the offences under Sections 406, 420 and 506(i) of the IPC in C.C.No.386 of 2022 on the file of the Judicial Magistrate No.II, Poonamallee. The charge against the petitioner is that suppressing the acquisition proceedings, he sold the property to the *de-facto* complainant.

4. The petitioner has filed an application under Section 311 of the Cr.P.C., in CMP No.829 of 2025 in CC No.386 of 2022, seeking to examine P.W.6 and P.W.8 to verify their records as to the allegations levelled as against the petitioner. It is the contention of the petitioner that though P.W.6 was already

cross-examined, P.W.8 has not been cross-examined at any point of time. Hence, he filed this criminal original petition.

5. Though P.W.6 was examined earlier, considering the charges made against the petitioner, this Court is of the view that one more opportunity be given to the petitioner. Hence, the impugned order passed by the trial Judge is set aside. The Trial Court shall summon the witnesses P.W.6 and P.W.8 and fix the date for cross examination. It is made clear that both the witnesses should be cross examined on the same day as fixed by the trial Court. If the petitioner fails to cross examine the said witnesses on the specific day, he will lose his right to cross examine them.

6. With the abovesaid direction, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

12-09-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Judicial Magistrate No.II,
Poonamallee

2. The Inspector of Police
Vellavedu Police Station.

3. The Public Prosecutor,
High Court, Chennai.

N.SATHISH KUMAR J.

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