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CRL OP No. 24416 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24416 of 2025

M.C.Ravikumar
S/o.Muthaiah Ambalam,
No.11-F, Kannadasan Salai, T.Nagar,
Chennai-17, Rep.by his Power Agent
R.Ramesh, S/o.Ranganathan.

Petitioner(s)

Vs

Thambi Unnikrishnan
TNUNL Hotel House Boat Resorts Restaurant (P) Ltd.,
No.1, ECR Elanthoppu, Mamallapuram.

Respondent(s)

PRAYER

This Petition has been filed under Section 528 of BNSS to call for the records and set aside the order passed by the learned Metropolitan Magistrate, Saidapet, passed in CrI.MP.No.2/2025 dated 28.07.2025.

For Petitioner(s): Mr.C.Renuka



ORDER

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Challenging the order of dismissal passed by the Trial Court in the petition filed under Section 311 Cr.P.C., seeking permission to cross-examine the respondent/accused, the present petition has been filed.

2. The Trial court has in fact dismissed the application mainly on the ground that despite an opportunity having been given on 05.06.2024, the accused was not cross examined and even the further opportunity granted on 11.07.2024 was also not availed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that earlier opportunities could not be utilised due to the absence of the counsel.

4. Considering the above, this court is of the view that the evidence of the accused is already on record, this court is of the view that if the complainant is not given an opportunity to cross examine the accused, the evidence of the accused would remain unrebutted.



5. Accordingly, this Criminal Original petition is allowed and the impugned order passed in Crl.M.P.No.2 of 2025 dated 28.07.2025 is hereby set aside, subject to the following condition :-

i) The petitioner shall pay a cost of Rs.5000/- payable to the respondent/accused on or before the date fixed for cross examination.

ii) The Trial Court is directed to summon the accused and fix a specific date for cross examination.

Iii) The cross examination of the accused shall be done on the very same day without seeking any further adjournment.

08-09-2025

Neutral Citation: Yes/No

mrp

To

The Metropolitan Magistrate,
Saidapet, Chennai.



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N.SATHISH KUMAR J.

mrp

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