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CRL OP No. 25211 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25211 of 2025

1. VEDIYAPPAN

S/o.Perumal

2. Poongavanam

W/o.Perumal, Both are residing at
No.45, Mariyamman Koil 2nd Street,
Tiruvnnamalai Town, Tiruvnnamalai
District.

Petitioner(s)

Vs

1. The State Rep by, The Sub Inspector
of Police,
Tiruvnnamalai Town Police Station,
Tiruvnnamalai.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the order dated 18.04.2024 made in Cr.M.P.No.1410/2024 in CC No.225/2023, passed by the Judicial Magistrate No.1, Tiruvannamalai.

For Petitioner(s): Mr/B.Jawahar



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

ORDER

Challenging the Order of dismissal of the petitioner filed under section 311 of Cr.P.C. to recall the P.W.1 to P.W.5, the present Criminal Original Petition has been filed.

2. It is the contention of the petitioner hat due to the inaction on the part of the Advocate, cross examination could not be done when the witnesses are present. Therefore, unless an opportunity is given to the petitioner, there defence will be totally shut. Though he had filed the present petition challenging the Order, the learned counsel submitted that it is suffice, if atleast P.W.1 alone is recalled for cross examination on behalf of the petitioner.

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.



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4. Accordingly, this Criminal Original Petition is allowed and the Order of the trial Court in Crl.M.P.No.1410 of 2024 in C.C.No.225 of 2023 dated 18.04.2024 is partly set aside on condition that the petitioner pays cost of Rs.1000/- [Rupees one 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 P.W.1 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. As far as recalling of P.W.2 to P.W.5 is concerned, this Criminal Original Petition is dismissed.

15-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Judicial Magistrate No.1,
Thiruvannamalai.

2. The Sub Inspector of Police,
Tiruvnnamalai Town Police Station,
Tiruvnnamalai.



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N.SATHISH KUMAR J.

VRC

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