



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 25781 of 2025 &
CMP No.17498 of 2025**

Vivek @ Vivekanandan

Petitioner(s)

Vs

A.D.Baskar

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act to set aside the order passed by the Learned Judicial Magistrate-I, Thiruvananthapuram (Viz. to Permit the Petitioner to recall the P.W.1(viz.) A.D.Baskar) in Crl.M.P.No.1617 of 2025 dated 11.08.2025 in C.C.No.5 of 2022.

For Petitioner(s): Mr.A.Nagarajan

ORDER

Challenging the impugned Order of the trial Court rejecting the petition filed by the petitioner to recall P.W.1 for the purpose of cross examination in respect of two documents relating to the earlier complaint given by P.W.1, the present Criminal Original Petition has been filed.



2. Heard the learned counsel for the petitioner and perused the documents placed on record.

3. It is relevant to note that the trial court was of the view that since the documents were already available during the trial, the cross examination ought to have been done earlier and due to mere negligence on the part of the party, the cross examination of the particular document cannot be permitted.

4. In such view of the matter, this Court is of the view that the right of the cross examination cannot be taken away particularly considering the fact that earlier complaint given by the petitioner has been investigated by the police and the report has been filed, further, only on that aspect, the cross examination sought to be made.

Accordingly, the present petition is allowed on payment of cost of Rs.2,000/- by the petitioner to P.W.1. On such payment being made, let the trial Court 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. Consequently, connected

miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd

To

The Judicial Magistrate No.I,

Thiruvannamalai



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N.SATHISH KUMAR J.

ssd

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2025**

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