



Crl.O.P.(MD) No. 674 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.674 of 2025

Ramachandran

... Petitioner

Vs

The State of Tamil Nadu represented by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(Crime No.554 of 2015)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to the impugned order in Crl.M.P.No.89 of 2023 in S.C.No.116 of 2022 dated 28.02.024 on the file of the learned Sub Court cum Assistant Sessions Court, Lalgudi and set aside the same.

For Petitioner : Mr.S.B.Kayvin Prince

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)



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ORDER

This criminal original petition is filed by the petitioner to set aside the order passed by the learned Judicial Magistrate, Lalgudi in Cr.M.P.No.89 of 2023 in S.C.No.116 of 2022 dated 28.02.2024 .

2. The petitioner is an accused in S.C.No.116 of 2022 and he is facing trial for the offences under Section 341 and 307 of IPC. In this case, already P.W.1 to 3 were examined as witnesses. According to the petitioner, on the date of examination of witnesses, i.e. on 03.11.2022, his counsel was unwell and thereby, he was unable to cross-examine the witnesses P.W.1 to 3 by appointing another counsel. Thereafter, he filed a petition to recall the witnesses P.W.1 to 3 and same was dismissed by the trial Court.

3. According to the respondent, the witnesses P.W.1 to 3 were examined as early as possible on 03.11.2022. On that date, the counsels for the respondent and the petitioner were also present but failed to cross examine the witnesses. The petition also filed in the year 2023 and the petitioner did not take any steps immediately after the examination of the



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witnesses, and he also cross-examined the other witnesses. Already, sufficient opportunity was given to the petitioner, but he failed to cross-examine the witnesses. Therefore, this petition is liable to be dismissed.

4. Heard both sides and perused the materials on record.

5. In this case, it is an admitted fact that P.W.1 to 3 were examined on 03.11.2022, but on that date, the petitioner has not cross-examined the witnesses. Thereafter, the case was periodically adjourned for more than 13 times, in spite of that, the petitioner has not cross-examined the witness. Therefore, the trial Court after taking into consideration of the facts, dismissed the petition. However, the offences are grave in nature and charges have been framed under Sections 341 and 307 of IPC and therefore, without going into the technical aspects and in order to give one more chance to the petitioner, this Court is inclined to allow this petition on payment of costs.

6. Accordingly, this Criminal Original Petition is allowed on payment of costs and the petitioner is directed to deposit a sum of Rs. 1,000/- each to the witnesses before the Trial Court within 15 days from



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the date of receipt of the copy of this Order and on such deposit, the Trial Court is directed to issue summons to P.W.1 to 3 by fixing a particular date and on that date, the petitioner has to cross-examine the witnesses without fail.

05.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
mac

To

- 1.The Inspector of Police,
Lalgudi Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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