



Crl.O.P.(MD)No.19880 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19880 of 2025

and

Crl.M.P(MD)No.16731 of 2025

M.Kaleeswaran

... Petitioner/Petitioner/ Accused

Vs.

The Inspector of Police,
Maraneri Police Station,
Sivakasi,
Viruthunagar District.

... Respondent/Respondent/
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code/Section 528 of BNSS, 2023, to set aside the order dated 02.09.2025 in Crl.M.PNo.3 of 2025 in C.C.No.43 of 2022 on the file of the Judicial Magistrate No.1, Sivakasi by allowing this petition.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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The petitioner seeks to set aside the order, dated 02.09.2025, in Crl.M.PNo.3 of 2025 in C.C.No.43 of 2022 on the file of the learned Judicial Magistrate No.1, Sivakasi. By the impugned order, the learned Magistrate had dismissed the petitioner's application for recall of witnesses and for cross-examination.

2. The learned counsel for the petitioner would submit that the petitioner is facing prosecution for the offence under Section 304-A of the IPC; that if the petitioner is not allowed to recall and cross-examine the three witnesses i.e. PW1 to PW3, his right of fair trial would be denied.

3. The learned Additional Public Prosecutor *per contra* submitted that the petitioner was given sufficient opportunity to cross-examine the three witnesses and since he has not availed of the opportunity, the learned Magistrate was justified in dismissing the petition.

4. All the three witnesses were examined in chief in the year 2023 and all of them are hearsay witnesses. The petitioner has not availed of the opportunity



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to cross- examine these witnesses. The case is pending from the year 2022.

The petitioner has not made out any ground for recalling and cross-examining of the witnesses. From the facts it is clear that the petition has been filed only to delay the proceedings. This Court finds no reason to interfere with the order passed in Crl.M.PNo.3 of 2025 in C.C.No.43 of 2022 by the Judicial Magistrate No.1, Sivakasi.

5. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

12.11.2025

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

Indu/ars

To

1.The Judicial Magistrate No.1,
Sivakasi.

2.The Inspector of Police,
Maraneri Police Station,
Sivakasi, Viruthunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

Indu/ars

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