

WEB COPY

CRL OP No. 14346 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14346 of 2026

and

CrL.MP.No.9205 of 2026

Vincent Rajkumar
S/o.Arul Joseph,
No.14, Vennal Naidu Street,
Kottai Medu,
Coimbatore.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
City Crime Branch Police Station,
Coimbatore

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for records and set aside the order dated 08.04.2026 passed in CrL.M.P.No.2637/2026 in C.C.No.1546/2019 the Learned Judicial Magistrate No.VII, Coimbatore by allowing this petition and thus render justice.

For Petitioner(s):

Mr.R. Prabakar

For Respondent(s):

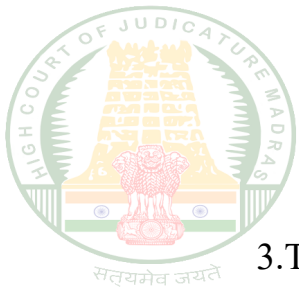
Mr.A.AMARNATH
Govt. Advocate (CRL. SIDE)

**ORDER**

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The petitioner/accused, facing trial in CC No.1546 of 2019, filed a petition under Section 311 Cr.P.C to recall PW10 & PW33. The trial Court by order dated 08.04.2026 dismissed the petition.

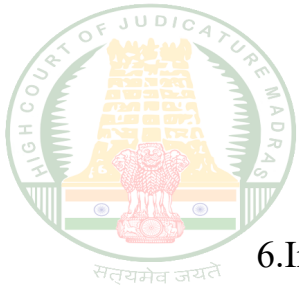
2.The contention of the petitioner is that the petitioner is facing trial for offences under Sections 120B, 468, 471, and 420 IPC as though the petitioner created documents and also projected that he could get admission for children in the school and collected money and thereafter, cheated him. He further submitted that in this case, PW10 is one of the witnesses, who was later included and he produced a receipt during the chief examination and it was marked as Ex.P2. This Ex.P2 is not relied upon document, which was furnished to the petitioner and hence, the petitioner was unable to cross examine the witness immediately and sought the copy of the document and sought sometime to cross examine. The trial Court not considered the same and recorded that no cross. As regards PW33, the Investigating officer, without cross examining the investigating officer, omissions and contradictions could not be put to the witnesses and hence, cross examination of PW33 is imperative.



3.The learned Govt. Advocate (Crl.Side) for the respondent submitted that PW10's name was added in the charge sheet. Since it was left over, it was subsequently written by hand. He further submitted that PW10 produced a receipt at the time of examination, which had not been produced during investigation. The said document was not furnished to the petitioner. With regard to PW33, he is an investigating officer and is still in service. He further submitted that PW10 & PW33 are available.

4.Considering the submissions and on perusal of the materials, this Court finds that it is necessary for the petitioner to recall PW10 & PW33 for cross examination. The veracity of the evidence of the witnesses can be tested only through cross examination. Further, omissions and contradictions, if any, to be put to the investigating officer and it will be beneficial for the trial court to arrive at a just decision.

5.In view of the same, the order dated 08.04.2026 passed in Crl.M.P.No.2637 of 2026 in C.C.No.1546 of 2019 by the learned Judicial Magistrate No.VII, Coimbatore, is set aside. The trial court is directed to recall PW10 & PW33 and the petitioner is permitted to cross-examine the said witnesses. The petitioner undertakes to cross examine the witnesses without further delay on their appearance.



6. In view of the above, the criminal original petition is allowed.

Consequently, connected miscellaneous petition is closed.

09-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Learned Judicial Magistrate No.VII, Coimbatore.

2. The Inspector of Police
City Crime Branch Police Station,
Coimbatore.

3. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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