

**IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS – I,
MAVELIKARA.**

PRESENT : - Smt. Soorya S.Sukumaran., Judicial First Class Magistrate.
Dated this the 06th day of June 2026

CMP 2/2026 in CC No. 192/2019

Petitioner : A2 - Binu @ Vinu, aged 31 years,
S/o. Velukutty Nair, Thulasi Bhavanam House,
Cheruvalli Lakham Veedu Colony, Pallickal
Naduvile Muri, Baranickavu Village
A3 - Sethu, aged 29 years,
S/o. Rekhu, Cheruvalli Lakham Veedu Colony,
Pallickal Naduvile Muri, Baranickavu Village
(By Adv. P.S.Zameer)

Respondent : Kerala State represented by the Sub Inspector
of Police, Kurathikad Police Station.
(By Sri. Arun Sukumar, A.P.P, Mavelikara)

Order : Petition is allowed.

The petition came up for hearing and the court delivered the following:

ORDER

This is a petition filed u/s Section 311 of C r p c (348 of BNS) to reopen the evidence of PW7 for the purpose of cross-examination. The case was posted on 30.05.2026 for examination of the PW7. It is submitted that on the date when PW7 was examined, the learned counsel for the accused was absent and consequently, he could not cross examine PW7.

2. The learned APP objected the petition on the ground that opportunity had already been granted to the accused and this petition is intended only to protract the proceedings.
3. Heard both sides and perused the records.
4. The records reveal that opportunity had been granted to the accused for cross examination of PW7. However it is seen that on the date when PW7 was examined, the learned Counsel for the accused was not ready and consequently PW7 was discharged without being cross-examined.
5. Considering the fact that cross-examination is a valuable right of the accused and that denial of opportunity to cross-examine the witness may cause prejudice to the defence, this Court is inclined to grant one more opportunity in the intrest of Justice.
6. At the same time, having regard to the fact that opportunity had already been availed, this petition can be allowed only on terms.
7. In the result the petition is allowed on cots of Rs.3,000/- to the TLSA, Mavelikara. On such payment, the evidence of PW7 shall stand reopened for the purpose of cross-examination.

Pronounced by me in open court on this the 06th day of June 2026

Judicial I Class Magistrate-I, Mavelikara.