

IN THE COURT OF JUDICIAL MAGISTRATE -I, CHENGALPATTU

Present : **Tmt. V.Lavanya, M.L.,**

Judicial Magistrate No.I, Chengalpattu.

Dated, the 02nd day of December 2025

M.P.No.3/2025 in CC.No.76/2012

Saravanan @ Jayaprakash

. . .Petitioner/Accused.

/Vs/

State of Tamil Nadu,
The Inspector of Police,
Chengalpattu Town PS,
Cr.No.543/2008.

. . . Respondents/complainant.

ORDER

1)This petition is filed by the accused praying the recall PW1 to PW5 for the purpose of cross examination. It is contended in the petition that the cross examination could not be done due to personal inconvenience.

2) The prosecution objected the above petition stating that the PW1 chief examined in the year 2019 and pW2, PW3 were examined in the year 2022. The PW4 and PW5 were examined in the year 2023. Now this petition is filed without any valid reason. The personal inconvenience is not a valid reason to recall the prosecution witness. And prayed to dismiss this petition.

3) This is a case of the year 2012. The alleged offence is cheating. The defence did not cross examine any of the witnesses in this case. After long time, this petition is filed. The cross examination is necessary for arriving proper decision in a criminal case, as final decision cannot be arrived based on incomplete evidence. However, in the name of cross examination the trial cannot be prolonged by the accused. In the interest of justice and in order to arrive proper decision in this case, as one last opportunity, the PW1 to PW5 are recalled as prayed by the accused on condition that cost of Rs.500/- to be paid to each witnesses before they enter into witness box. The cross examination should be completed when the witnesses are present except unavoidable circumstances.

In the result, this petition is allowed.

Dated this the 02nd day of December 2025.

Judicial Magistrate No.1,
Chengalpattu.

