

**BEFORE THE ADDITIONAL MAHILA COURT (MAGISTRATE
LEVEL), TIRUVARUR**

Present: Tmt. S. Cintha B.A. B.L (HONS).,
Judicial Magistrate,
Tiruvarur.

Wednesday, Dated 02nd day of April Month, 2025.

CrI.M.P. No.637 of 2024

In

Calendar Case No.14/2022

Crime No.11/2022

1. Hariharasudhan
and 4 others

... Petitioners/Accused.

Vs.

State Rep. by
The Inspector of Police.
All Women Police Station,
Tiruvarur.

...Respondent/Complainant.

This petition came up before me for final hearing on 02.04.2025 in the presence of Learned Counsel Thiru. R.Govikanan, appearing for the Petitioners/accused. Learned Assistant Public Prosecutor Gr.I, Tmt. K.Kanimozhi, appearing for the State. Heard the submissions of both sides. Perused the case records. This Court after considering the submissions made by both sides and the case records passes the following

ORDER

1. This petition has been filed under section 348 BNSS by the Petitioner/accused seeking to recall PW1 and PW4 for the purpose of cross examination.

2. The petitioners/accused would aver that case has been registered against him U/s.498(A) ,294(b), 323, 506(1), 420 IPC and seeks to recall PW1 and PW4 for purpose of cross examination. The Petitioners/accused would aver that on the date of examination of PW1 and PW4 some important questions were left unanswered PW1 and PW4 were not able to be cross examined. Further Petitioners/accused would aver that the non cross examination of PW1 and PW4 is neither willful nor wanton. The Petitioners prays that it is necessary to recall PW1 and PW4 and for the purpose of cross examination.

3. Per contra the prosecution would aver that the case is pending at trial stage, PW1 to PW8 has been examined on the side of the prosecution and that the present petition has been without any specific and valid reason and that PW1 and PW4 was elaborately cross examined by the defence counsel on 01.08.2023 and 14.08.2024 itself. Hence it was contended that the present petition has been filed only to delay and drag the proceedings. Hence it was prayed that the Petition may be dismissed.

4. Decision and Reasoning:

Heard both sides. Records perused. The present petition has been filed Under section 348 BNSS by the Petitioners/accused seeking to recall of PW1

Dated : 02.04.2025

AMC(JM)TVR

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and PW4 for the purpose of cross examination. The petitioners/accused has been charged for offence U/s. 498(A) ,294(b), 323, 506(1), 420 IPC Act. On perusal of case records it is found that PW1 and PW4 has been cross examined by the defence counsel elaborately on 01.08.2023 and 14.08.2024 Respectively. Fair opportunity of cross examination has been given and utilized by the Petitioners/accused. All the direct and material witness to the case have already been examined. This petition is filed at the fag end of the trial only to delay the proceedings of the case. Hence this court finds that there is no merits in the petition and this court is not inclined to allow this petition.

5. In result, this petition is dismissed. No cost.

Dictated to Steno-typist, Typed by her Computer corrected and pronounced by me in open Court on this 02nd day of April Month, 2025 (Wednesday).

Judicial Magistrate
Additional Mahila Court
(Magistrate Level)
Tiruvarur.