

IN THE COURT OF JUDICIAL MAGISTRATE, GINGEE

Present : Tmt.B.Vidhya., L.L.M.,

Judicial Magistrate, Gingee

Dated this the 29th day September 2025, Monday

M.P. No: 2/2025

in

CC No:10/2020

Pathiyanathan S/o.Mariyan

...Petitioner/Accused

/Vs./

State Rep by:-

SHO,

Anandhapuram P.S.

....Complainant/Respondent.

This petition has been filed by petitioner on 16.07.2025 and coming before me finally for hearing on 29.09.2025 in the presence of Assistant Public Prosecutor Gr.II for the State and Advocate Thiru.R.B.Sureshababu, for the accused/petitioner and upon hearing both sides, and perusing the records, this court passed this following.

ORDER

The petition filed by the petitioner/Accused U/s 311 of Cr.p.c.

The petitioner submitted that, in the above case, the Kuzhanthaieasu - (Lw1) was chief examined as PW1 on 14.12.2021. On that day for unable to attend this cross examination of PW1 one Kuzhanthaieasu for want of some material documents and necessary court fee stamps affixed and may pleased to issue summons to PW1 Kuzhanthaieasu through Inspector of Police, Anandhapuram P.S. Unless this Hon'ble court recall the witness for the cross examination, the accused will put to great hardship. Hence, in the interest of Justice and to arrive at a just decision of the case it is most humbly prayed that this Hon'ble Court may be pleased to recall Kuzhanthaieasu – Pw1 for cross examination and thus render justice.

The learned APP submitted that, It's humbly submitted that in this case PW1 - Kuzhanthaieasu was chief examined on 14.12.2021. Hence, it's therefore prayed that this Hon'ble Court may be decided the merits with cost.

Rival Submission Considered. Lw1 was examined in chief as Pw1 on 14.12.2021. As stated by the petitioner the witness was cross examined in full on the

said date, and hence the evidence of PW1 is closed. The learned counsel for petitioner submitted that now only he got certain materials relevant to this case and the application was not filed after inordinate delay, hence an opportunity may be provided to cross examine the above stated witnesses.

Considering that the veracity of witness can be tested during the cross examination alone, in order to arrive for a just decision in the case and also in order to provide an opportunity to the petitioner to prove their case this court is of the considered opinion that the application may be allowed on imposing cost. On the other hand considering the situation of the witnesses, Economical condition and their hardships to appear before this court once again, this court is inclined to allow this petition on payment of cost Rs.1,000/- to Pw1 and the same shall be paid in open court before her cross examination. On further condition that the witness shall be cross examined on the same day of his appearance. This petition will be allowed on payment of cost Rs.1,000/- to Pw1 and the same shall be paid in open court before her cross examination. On further condition that the witness shall be cross examined on the same day of her appearance.

Dictated to the Steno-typist, and typed by him directly in the computer, corrected by me and pronounced by me on this 29th day of September 2025.

**Judicial Magistrate
Gingee.**