

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2015

CORAM

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.4750 of 2015

R.Siva
S/o.Ramalingam

...Petitioner

vs.

The State represented by its
The Inspector of Police,
Veerapandi Police Station,
Tiruppur.

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to set aside the order dated 04.12.2014 and to extend the time for payment of cost to each of prosecution witnesses namely PWs.1 to 3, 5, 7, 10, 11 and 13 in C.M.P.No.310 of 2014 in S.C.No.75 of 2012 on the file of Magalir Neethimandram, Fast Track Mahila Court, Tiruppur.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition is filed to set aside the order dated 04.12.2014 passed in C.M.P.No.310 of 2014 in S.C.No.75 of 2012 on the file of Magalir Neethimandram, Fast Track Mahila Court, Tiruppur.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. It is submitted by the learned counsel for the petitioner that C.M.P.No.310 of 2014 in S.C.No.75 of 2012 on the file of Magalir Neethimandram, Fast Track Mahila Court, Tiruppur, filed for recall of PWs.1 to 3, 5, 7, 10, 11 and 13 for the purpose of cross-examination and the learned sessions Judge, allowed the application on condition of depositing cost of Rs.500/- to each of the witnesses into the Court on or before 08.12.2014 failing which the petition would be dismissed and adjourned the case to 09.12.2014. The petitioner was

not able to pay the cost and thereafter, the case proceeded further and therefore, the order of the Court below is liable to be set aside.

4. It is submitted by the learned Additional Public Prosecutor that the case is posted to 09.03.2015 for delivering judgment.

5. Though the witnesses were examined in chief on 19.08.2014, the application to recall them was filed only on 28.10.2014, that was allowed by the learned sessions Judge on condition of depositing cost within a particular time. Nevertheless, the cost was not paid and the case proceeded further. It is also admitted that 313 Cr.P.C. questioning was also conducted and arguments were heard. Now, it is reported that the case is posted for judgment on 09.03.2015. Hence, at this stage, I do not find any reason to interfere with the order of the trial Court.

This Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police,
Veerapandi Police Station,
Tiruppur.

2.The Public Prosecutor,
High Court,
Madras.

+1 cc to Mr.K.Myilsamy, Advocate,SR.12874.

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