



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P. (MD)No.1312 of 2015

and

M.P (MD)No.1 of 2015

R.Miller

.. Petitioner/Petitioner

.. Vs ..

1.Arunakamatchi

2.M.Aswinath

3.M.Raveena @ Vishali

.. Respondents/Respondents

Respondents 2 and 3 are represented by
mother and guardian Arunakamatchi

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.7680 of 2014 in M.C.No.16 of 2010 on the file of the Judicial Magistrate No.I, Virudhunagar.

For Petitioner : Mr.S.Pon Senthilkumaran

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ORDER

This petition has been filed under Section 482 Cr.P.C, to set aside the order passed in Crl.M.P.No.7680 of 2014 in M.C.No.16 of 2010 on the file of the Judicial Magistrate No.I, Virudhunagar.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3.The petitioner challenges the order of the learned Judicial Magistrate No.I, Virudhunagar in Crl.M.P.No.7680 of 2014 allowing his petition to recall the witness/wife of the petitioner on condition of payment of costs. The Court below has considered the position of the matter having been pending at the stage of production of petitioner's witness for a period about 1 1/2 years, as also the effect in allowing the petition to recall the wife of the petitioner, who would have to travel from Chennai to Virudhunagar. Finding a balance between allowing the petitioner and a right of re-examination of P.W.1/wife and the consequential effect, thought it appropriate to direct the petitioner to pay costs in a sum of Rs.5,000/- we find no error in the order of the



4. In the result, this Criminal Original Petition shall stand dismissed. However, time granted to the petitioner to effect payment of Rs.5,000/-, shall be extended upto a period of two weeks from today. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1. The Judicial Magistrate No.I, Virudhunagar

2. Do Through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.

+1cc to Mr. S.Ponsenthil Kumaran Advocate in SR.No. 4713

TS/23.02.2015/2P-4C

CRL.O.P. (MD) No.1312 of 2015

30.01.2015