



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.6026 of 2015

and

M.P. (MD) .No.1 of 2015

Mervin Lidia

... Petitioner/Petitioner/Defendant
Vs.

Mohanadhas

... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to pass an order calling for the records and to set aside the order passed in Cr.M.P.No.3497 of 2011 in STC.No.2505 of 2008 dated 15.07.2011 on the file of the Judicial Magistrate No.I Kuzhithurai by imposing cost in Crl.R.C.No. 11 of 2012 dated 05.01.2015 on the file of the Sessions Judge Kanyakumari Division at Nagarcoil.

For Petitioner : Mr.S.C.Herold Singh

O R D E R

The petitioner file an application under section 311 of the Criminal Procedure Code before the Sessions Court, seeking to cross examine the respondent/complainant on exhibit D5 and D6. Such application was allowed on terms. Challenging the same, the present petition is filed.

2. The court below is rightly found that the petitioner was at fault in delaying the matter, since the case is of the year 2008. Therefore on equity, the application is allowed on terms. As the discretion has been rightly exercised, this petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

3. However, the time granted by the below Court is extended for further period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Sessions Judge,
Kanyakumari Division at Nagercoil.

2. The Judicial Magistrate No.I,
Kuzhithurai.

3 -do-thro'The Chief Judicial Magistrate, Kanyakumari at Nagercoil.

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