



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2017

CORAM

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Crl.O.P.(MD) No.12903 of 2017

Christina Mohankumar

... Petitioner

-Vs-

V.Kannan

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records from the learned Judicial Magistrate No.1 (FTC at Magistrate Level), Madurai in Crl.M.P.No.734 of 2017 in S.T.C.No.340 of 2016 dated 08.03.2017 and set aside the same and consequently direct the learned Judicial Magistrate No.I (FTC at Magistrate Level), Madurai, to allow the petition to recall the prosecution witnesses for cross examination.

For Petitioner : Mr.M.Solaisamy

O R D E R

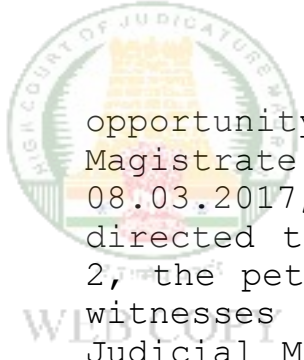
This Criminal Original petition has been filed seeking to set aside the order of the learned Judicial Magistrate No.1 (FTC at Magistrate Level), Madurai in Crl.M.P.No.734 of 2017 in S.T.C.No.340 of 2016 dated 08.03.2017 and consequently to direct the learned Judicial Magistrate No.I (FTC at Magistrate Level), Madurai, to allow the petition to recall the prosecution witnesses for cross examination.

2.The petition filed by the petitioner to recall the prosecution witnesses for cross examination was allowed on 04.02.2017 with condition that the petitioner should pay process fee and witness batta for P.W.1 and P.W.2 on or before 08.02.2017. Since the said condition was not complied with, the petition was dismissed on 08.03.2017. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner undertakes to pay the process fee on the date of appearance of the witnesses.

<https://hcservices.ecourts.gov.in/hcservices/>

4.In view of the submissions made by the learned counsel appearing for the petitioner and in order to give one more



opportunity to the petitioner, the order of the Judicial Magistrate No.I (FTC at Magistrate Level), Madurai dated 08.03.2017, is set aside. The learned Judicial Magistrate is directed to recall P.Ws.1 and 2. On the appearance of P.Ws.1 and 2, the petitioner shall pay the process fee and cross-examine the witnesses on the same day of their appearance. The order of the Judicial Magistrate No.I (FTC at Magistrate Level), Madurai dated 04.02.2017, is modified to that effect.

5.This Criminal Original petition is disposed of accordingly.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
(Fast Track Court at Magistrate Level),
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Solaisamy, Advocate SR.No. 81219

Cr1.O.P.(MD) No.12903 of 2017
27.09.2017

sj
JM/SV MMS/SAR 3/04.10.2017/2P/4C