

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Wednesday, the Seventh day of March Two Thousand Eighteen****PRESENT****The Hon`ble Mr.Justice P.RAJAMANICKAM****CRL OP(MD) No.16246 of 2017**

SATHIYAN

... PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO.194/2009

... RESPONDENT

Prayer in CRL OP(MD)No.16246/2017:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying this Hon'ble Court to call for the records and set aside the order passed in C.M.P.No.7313/2017 in C.C.No.297/2009 dated 12.10.2017 on the file of the Judicial Magistrate Court NO.1, Kuzhithurai.

ORDER: This petition coming on for hearing and upon the perusing the affidavit and petition filed, and upon hearing the submissions of Mr.Prabhu Ramachandran Government Advocate(Crl.Side) on behalf of the Respondent and none appeared for the petitioner, this court made the following order:-

This matter is listed today under the caption " for reporting compliance".

2.The petitioner herein has filed the above Criminal Original Petition, to set aside the order passed by the learned Judicial Magistrate No.1, Kuzhithurai in C.M.P.No.7313 of 2017 in C.C.No.297 of 2009, dated 12.10.2017.

3.This Court, by the order dated 27.11.2017 has passed a conditional order that the order passed in C.M.P.No.7313 of 2017 in C.C.No.297 of 2009 dated 12.1.2017 on the file of the learned Judicial Magistrate No.1, Kuzhithurai, will be set aside, on condition that the petitioner shall deposit a sum of Rs.5,000/- to the credit of Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High court, Madurai.

4.The learned Government Advocate(Crl.Side) has submitted that the learned Judicial Magistrate No.1, Kuzhithurai has disposed of the case in C.C.No.297 of 2009 on 23.01.2018. Hence, a report was called for from the learned Judicial Magistrate No.1 Kuzhithurai,



with regard to whether the petitioner has complied with the conditional order.

5.The learned Judicial Magistrate No.1, Kuzhithurai by his letter dated 03.02.2018 has stated that the petitioner has not complied with the conditional order passed by this Court and hence, the petitioner was not permitted to recall the P.W.1 and cross examine. He further stated that after perusing of the available evidence, he has disposed of the case in C.C.No.297 of 2009 on 23.01.2018.

6.He has also enclosed a copy of the judgment passed in the aforesaid case.

7.So, it appears that the petitioner has not complied with the conditional order passed by this Court. Further, the case before the trial court was also disposed of. Therefore, this petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

das

MV:KKR:SAR2:26/03/2018/2P/4C

CRL.O.P. (MD) No.16246 of 2017

07.03.2018