



4.The petitioners thereafter, filed a second application under Section 311 of Cr.P.C to recall PW 1 to PW 4 for cross examination. After recording the fact that the petitioners did not utilise the opportunity to cross examine PW 1 to PW 4, the petition was dismissed by the lower Court. As against the same, the present Criminal Original Petition is filed.

5.Though the order of the lower Court appears to be correct, the petitioners may be shown some indulgence, only in the interest of justice to give a fair opportunity in defending the criminal proceedings. Considering the age and other facts, this court is inclined allow this petition subject to terms.

5.1.The criminal original petition is allowed and the order passed by the learned Judicial Magistrate No.1, Karur in Cr.M.P.No.5875 of 2017 in C.C.No.132 of 2016 is set aside and the petition in Cr.M.P.No.5875 of 2017 in C.C.No.132 of 2016 stands allowed, on condition that the petitioners shall pay a sum of Rs.2,000/- to PW 1 within a period of four weeks from the date of copy of the order. The petitioners are also directed to co-operate for the early disposal of the case, by cross examining the witnesses on the date when they are available without asking further adjournments for any reason. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.1, Karur.

2.-Do-Thro' The Chief Judicial Magistrate,
Karur.

3.Inspector of Police,
All Women Police Station, Karur District.

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

CMR/PNN

JS/JC/SAR.4/18.12.2017/2P-5C

CRL.OP.(MD) No.16279 of 2017
and

CRL.MP(MD) No.10782 of 2017
28.11.2017