

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.04.2018
CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.10331 of 2018

B.Sridhar

..Petitioner/ Accused

Vs

The Inspector of Police,
All Women Police Station,
Puliyankulam,
Coimbatore North Taluk,
Coimbatore District.

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to issue of order dated 15.02.2018 in C.C.No.39 of 2015 on the file of the Additional Mahila Court, Coimbatore and set aside the same as much as to the imposing of cost of Rs.10,000/- to be paid by the petitioner to L.W.1 directed at the time of L.W.1, Chief Examination.

For Petitioner : M/s.Tamizh Law Firm
For Respondent : Ms.P.Kritika Kamal
Govt. Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been filed to call for the records pertaining to the order dated 15.02.2018 passed in C.C.No.39 of 2015 on the file of the Judicial Magistrate Level, Additional Mahila Court, Coimbatore imposing cost of Rs.10,000/- on the petitioner and set aside the same.

2.The trial has commenced in C.C.No.39 of 2015 before the learned Judicial Magistrate, Additional Mahila Court, Coimbatore for the offences under Sections 498(A), 406 and 506(i) r/w 114 IPC. On 15.02.2018, the petitioner did not appear before the trial Court and his counsel filed a petition under Section 317 Cr.P.C., which was allowed by the trial Court. L.W.1 was present for giving evidence. The Court waited till 5.30 p.m for the learned counsel for the petitioner to appear before the Court, so that the learned Public Prosecutor can take evidence. However, there was no representation for the petitioner till 5.30 p.m and therefore, this Court does not find any fault in the impugned order passed by the Court below.

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

4.At this juncture, it would be relevant to refer to amended Section 309 of Cr.P.C, which reads as follows:

"Explanation 2:- The terms on which an adjournment or postponement may be granted include, in appropriate cases, the payment of costs by the prosecution or the accused."

5.In such view of the matter, this Court does not find any infirmity in the impugned order passed by the Court below. However, this Court modifies the order passed by the Court below directing the petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to L.W.1, instead of Rs.10,000/-.

With the above modification, the petition shall stand dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate ,
Additional Mahila Court,
Coimbatore.

2.The Inspector of Police,
All Women Police Station,
Puliyankulam,Coimbatore North Taluk,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Tamizh Law Firm, Advocate, S.R.No.24270

Cr1.OP No.10331 of 2018

RV(CO)
RRK(03/04/2018)