



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Crl.O.P. (MD) No.4682 of 2018

and

Crl.M.P. (MD) Nos.2301 and 2302 of 2018

Thatchana Moorthi

... Petitioner/Accused

Vs.

G.Ramesh

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Boothapandi, Kanyakumari District in Cr.M.P.No.540 of 2018 in S.T.C.No.760/2017 vide his order dated 19.02.2018 and set aside the same and consequently direct the aforesaid Magistrate to recall P.W.1 of the said case for cross examination.

For Petitioner : Mr.R.Anand

For Respondent : Mr.G.Thalaimutharasu,

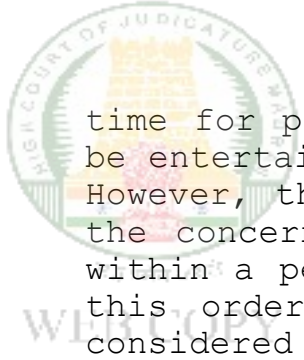
ORDER

Challenging the order passed in Crl.M.P.No.540 of 2018 in S.T.C.No.760 of 2017 dated 19.02.2018 by the Judicial Magistrate, Boothapandi, Kanyakumari District, this Criminal Original Petition has been filed.

2.The learned counsel for the petitioner submits that the petitioner has filed an application before the Court below under Section 311 Cr.P.C. for recalling P.W.1 and the said application was allowed on 09.02.2018 by imposing a cost of Rs.1000/- to be paid to the witness on or before 19.02.2018. Subsequently, the said cost has not been paid. Therefore, the said application was dismissed. Challenging the aforesaid order, the petitioner has preferred the present Criminal Original Petition before this Court.

3.The learned counsel for the respondent submitted that the petitioner has come before this Court without filing proper application before the Judicial Magistrate, Boothapandi, Kanyakumari District, seeking extension of time. Hence this Criminal Original Petition is not maintainable.

4.As rightly contended by the learned counsel appearing for the respondent, the petitioner, without filing an application before the learned Judicial Magistrate, Boothapandi seeking extension of



time for payment of cost, filed the present petition, which cannot be entertained. Hence, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to file an application before the concerned Court seeking extension of time for payment of cost within a period of two weeks from the date of receipt of a copy of this order. If such an application is filed, the same shall be considered by the Court below and appropriate orders be passed, as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Boothapandi,
Kanyakumari District.

PNN

DS/SV/MMS/SAR-3 :07.06.2018: 2P/2C

Cr1.O.P.(MD) No.4682 of 2018
19.04.2018