



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD)No.10041 of 2018
and
Crl.M.P.(MD)No.4495 of 2018

Sathasivam

... Petitioner

Vs.

N.Ramasamy

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the Sessions Court, Nagercoil, Kanyakumari District in Crl.R.C.No.22/2016 dated 13.04.2018 confirming the order passed by the Judicial Magistrate Court, Fast Track Court No.II, Nagercoil in Crl.M.P.No.1855/2016 in C.C.No.182/2012 dated 26.10.2016.

For Petitioner
For Respondent

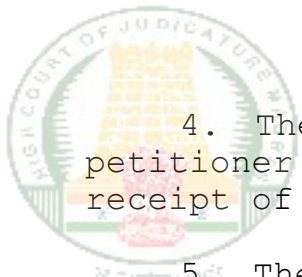
: Mr.K.P.Narayanakumar
: Mr.P.T.Ramesh Raja

ORDER

This Criminal Original Petition has been filed to to set aside the order passed by the Sessions Court, Nagercoil, Kanyakumari District in Crl.R.C.No.22/2016 dated 13.04.2018 confirming the order passed by the Judicial Magistrate Court, Fast Track Court No.II, Nagercoil in Crl.M.P.No.1855/2016 in C.C.No.182/2012.

2. According to the learned counsel for the petitioner, the Criminal Revision petition has been dismissed for non payment of batta by the petitioner. Challenging the aforesaid order, the present criminal original petition is filed before this Court.

3. The learned counsel for the respondent submitted that the said revision itself is not maintainable under section 397(ii) of Cr.P.C by considering the scope of the present Original petition. Challenging the dismissal of the revision petition, on the ground of non payment of batta by the petitioner, in the interest of justice and by giving opportunity to the petitioner, the impugned order dated 13.04.2018 is set aside and the criminal original petition is allowed. He would also submit that the petitioner intends to delay the proceedings by filing various applications . Therefore had requested to give appropriate direction to the court below to dispose of the representation within the time that may be fixed by this court.



4. The learned counsel for the petitioner submits that the petitioner undertakes to file batta within one week from the date of receipt of a copy of this order.

5. Therefore in the light of the above submissions, this Court is inclined to pass the following order:

a) The impugned order passed by the learned District and Sessions Judge, Kanyakumari at Nagercoil dated 13.04.2018 is set aside and the petitioner is permitted to pay the batta within a period of one week from the date of receipt of a copy of this order.

b) After receipt of the batta, the learned District and Sessions Judge, Kanyakumari at Nagercoil dated 13.04.2018 is directed to dispose of the CrI.R.C.No.22/2016 dated 13.04.2018 as expeditiously as possible, within a period of six weeks from the date of receipt of a copy of this order after giving due opportunity to the parties concerned.

6. With the above direction, this Criminal Original Petition is allowed. . Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The District and Sessions Judge,
Kanyakumari at Nagercoil.

2.The Judicial Magistrate,
Fast Track Court No.II, Nagercoil.

+1cc to M/S.K.P.Narayanakumar, Advocate SR.No. 74029

+1cc to M/S.P.T.Ramesh Raja, Advocate SR.No. 74040

CrI.O.P. (MD) No.10041 of 2018
19.07.2018

aav

JM/RP/SAR 3/31.07.2018/2P/5C