

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.19710 of 2019

B.Ramakrishnan

... Petitioner

Vs.

V.Ammanivasan
S/o.Venkatachalam,
Proprietor Vasan Electrical Contractor,
No.16, Perumal Koil Street,
Muthialpet,
Puducherry - 605 003.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the adjudication order passed in C.C.No.2863 of 2017 dated 12.07.2019 on the file of the Court of XXIII Metropolitan Magistrate Court, Saidapet by allowing this Criminal Original Petition.

For Petitioner : M/s.P.Srividhya

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below imposing a cost of Rs.1000/- against the petitioner on the ground that the petitioner was not ready to file a proof affidavit and go on with the trial.

2. The learned counsel for the petitioner submitted that admittedly when the matter came up for hearing before the Court below on 12.07.2019, the accused person was not present in the Court and a petition was filed under Section 317 of Cr.P.C and the same was allowed. The learned counsel for the petitioner further submitted that the Court below did not take into consideration this fact and has in turn penalized the petitioner for not going ahead with the trial. The learned counsel for the petitioner further submitted that the petitioner does not intend to drag on the proceedings and that even a time limit can be fixed by this Court for the completion of the proceedings.

3. Taking into consideration, the facts and circumstances of the case, the cost imposed by the Court below is hereby set aside. This Criminal Original petition is allowed and the Court below is directed to complete the proceedings in C.C.No.2863 of 2017, within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

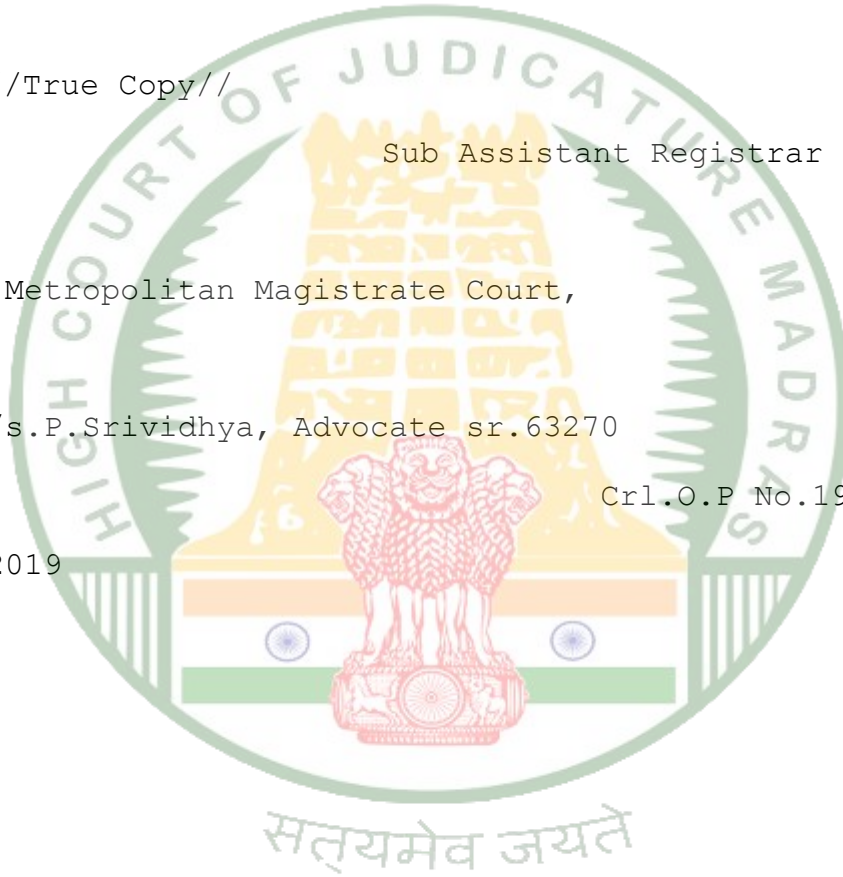
To

The XXIII Metropolitan Magistrate Court,
Saidapet,
Chennai.

+1cc to M/s.P.Srividhya, Advocate sr.63270

Crl.O.P No.19710 of 2019

nr 25/07/2019



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