



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.30828 of 2019

J.Johnpaul

...Petitioner

Vs

K.Vijayakumar

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order dated 13.08.2019 in C.M.P.No.4760 of 2019 on the file of the Hon'ble Judicial Magistrate, Maduranthakam and permitting the petitioner to pay the cost as ordered therein and to grant such other relief.

For Petitioner : Mr.Ralph V.Manohar

O R D E R

Since the petitioner's complaint came to be rejected even before taking cognizance of the matter, this Criminal Original Petition is being disposed of, without notice to the respondent.

2. When the petitioner had filed the proceedings under Section 138 of the Negotiable Instruments Act with one day's delay, the learned Judicial Magistrate, Maduranthakam had allowed the said application on 13.08.2019, directing the petitioner to pay a sum of Rs.2,000/- to the District Legal Aid Services. Since the petitioner had failed to pay the cost within the stipulated time of 15 days, the present petition has been filed.

3. On being satisfied with the reasons adduced in the affidavit before this Court that such an order was not communicated by the petitioner to the counsel, this Court is inclined to take a lenient view.

4. Accordingly, the docket order dated 29.08.2019 passed in C.M.P.No.4760 of 2019 on the file of the learned Judicial Magistrate, Maduranthakam, is set aside. Consequently, the petitioner is granted further time to pay a sum of Rs.5,000/-, instead of Rs.2,000/-, by way of costs to the District Legal Aid Services, within a period of 15 days from the date of receipt of a copy of this order.



5. All other observations made by the Trial Court in the order dated 13.08.2019 in C.M.P.No.4760 of 2019 shall remain intact.

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6. Accordingly, the Criminal Original Petition stands disposed of.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

hvk/jas
To

1.The Judicial Magistrate,
Maduranthakam.

2.The Public Prosecutor,
High Court of Madras.

+2 CCS to Mr.Ralph V.Manohar, Advocate sr 95490

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SVI (CO)
SP(26/12/2019)