



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.9493 of 2019

WEB COPY

S.Mohan (died)
2.M.Karunaimani
3.M.Kadhiresan

...Petitioners
(Legal Hairs of deceased Complainant)

-Vs-

P.Mariselvam

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the order dated 27.04.2019 made in Crl.R.C.No.23 of 2018 on the file of the learned IV Additional District and Sessions Judge, Madurai to set aside in so far as payment of cost of Rs.15,000/- to the respondent is concerned alone in S.T.C.No.21 of 2016 Judicial Magistrate, II FTC, Madurai and same allow the above petition.

For Petitioners : J.Vishnu
For Respondent : Mr.A.Vigneshwar

O R D E R

This petition has been filed challenging the order dated 27.04.2019 passed in Crl.R.C.No.23 of 2018 on the file of learned IV Additional District and Sessions Judge, Madurai.

2.Heard Mr.J.Vishnu, learned counsel appearing for the petitioner and Mr.A.Vigneshwar, learned counsel appearing for the respondent.

3.It is seen that the first petitioner namely S.Mohan(died) filed a complaint in S.T.C.No.21 of 2016, on the file of the Judicial Magistrate II, FTC, Madurai. During the pendency of the complaint, the first petitioner/complainant expired on 12.07.2016. The said complaint was posted for hearing on 18.07.2017. Since the complainant was absent and there was no representation on his side, fresh summons not paid, the trial Court has dismissed the complaint preferred by the complainant/Mohan (died) under Section 204(3) of Cr.P.C., for non payment of summons. Thereafter, the legal heirs of the deceased complainant have preferred the revision petition in Crl.R.C.No.23 of 2018 on the file of the IV Additional District and Sessions Judge, Madurai and the First Appellate Court condoned the delay and allowed the revision petition with a direction to the



petitioners to pay a sum of Rs.15,000/- to the respondent on or before 04.06.2019. Hence, the present criminal original petition is filed.

4.Considering the facts and circumstances of the case, this Court modified the condition imposed by the first appellate Court to the effect that the petitioners shall pay a sum of Rs.5,000/- instead of Rs.15,000/- to the respondent on or before 15.11.2019. If the petitioners fails to pay a sum of Rs.5,000/- on or before 15.11.2019, the order passed by the IV Additional District and Sessions Judge, Madurai in Crl.R.C.No.23 of 2018 shall stands dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To:

- 1.The IV Additional District and Sessions Judge,
Madurai.
- 2.The Judicial Magistrate-II,
Fast Track Court,
Madurai.
- 3.The Chief Judicial Magistrate,
Madurai.

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TR(14.11.2019)2P 4C