

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 08.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**Crl.O.P. (MD).No.9617 of 2019**

Ramesh

... Petitioner

-Vs-

The Inspector of Police,
Kabistharam Police Station,
Thanjavur District
(Cr.No.33/2014)

... Respondent

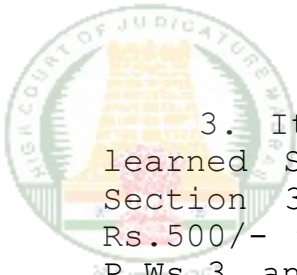
Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Sessions Judge, Mahalir Neethimandram, Thanjavur, Thanjavur District in Crl.M.P.No.771 of 2017 in S.S.C.No.1 of 2015 dated 24.10.2017 and set aside the same.

For Petitioner : Mr.M.Pitchai Muthu
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This petition has been filed seeking to set aside the order passed by the learned Sessions Judge, Mahalir Neethimandram, Thanjavur, Thanjavur District in Crl.M.P.No.771 of 2017 in S.S.C.No.1 of 2015, dated 24.10.2017, dismissing the petitioner's Memo.

2. The petitioner is an accused in S.S.C.No.1 of 2015 pending on the file of the Sessions Judge, Mahila Court, Thanjavur District. Earlier the petitioner has filed an application under Section 311 of Cr.P.C., in Crl.M.P.No.771 of 2017 in S.S.C.No.1 of 2015 before the learned Sessions Judge, Mahila Court, Thanjavur District, to recall P.Ws.3 and 6. The learned Sessions Judge, by an order dated 10.10.2017, has allowed the application and directed the petitioner to pay a sum of Rs.500/- towards the cost of allowances and other expenditure for P.Ws.3 and 6 on or before 23.10.2017 and in the above said order, it is made clear that if the petitioner failed to pay the amount, the petition stands dismissed. Admittedly, the petitioner did not pay the amount. In the above circumstances, the learned Sessions Judge, by an order dated 24.10.2017, dismissed the application for non-payment of the allowances. Challenging the said order, the present criminal original petition has been filed.



3. It is a clear case of abuse of process of law and the learned Sessions Judge has allowed the application filed under Section 311 of Cr.P.C., on 10.10.2017, on payment of cost of Rs.500/- towards the cost of allowances and other expenditure for P.Ws.3 and 6, and the order itself it is made clear that the petitioner would pay the amount on or before 23.10.2017, failing which the petition stands dismissed. But, without paying the amount, the petitioner simply filed a Memo and that was rejected on 24.10.2017. Nearly after two years the present petition has been filed, challenging the said order. I do not find any infirmity in the order passed by the learned Sessions Judge and the same is perfectly in order and hence this criminal original petition is dismissed.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

- 1.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P.(MD).No.9617 of 2019
08.07.2019

sss(CO)

TR (01.08.2019) 2P 3C