



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.12388 of 2019

and

Crl.M.P. (MD) No.7762 of 2019

Sankar

.. Petitioner/Petitioner/ Accused

Vs

Sampoorna Aqua Agencies,
Rep. by Jeyaraman,
Door No.2/267, New Colony,
Palaverikadu Village,
Kalyanaodai Post,
Pattukottai Taluk.

.. Respondent/ Respondent/
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 30.07.2019 passed in C.M.P.No.986 of 2019 in S.T.C.No.52 of 2017 on the file of Judicial Magistrate Court (Fast Track), Pattukottai by allowing the Criminal Original Petition.

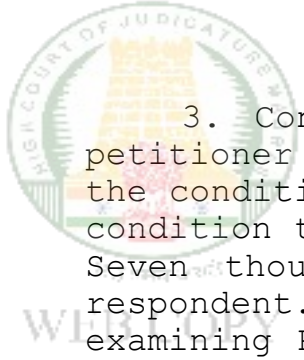
For Petitioner : Mr.D.Nallathambi

For Respondent : Mr.K.Suyambulinga Bharathi,
G.A. (Crl. Side)

O R D E R

This Criminal Original petition has been filed challenging the order passed by the Court below dated 30.07.2019 passed in C.M.P.No.986 of 2019 in S.T.C.No.52 of 2017 on the file of Judicial Magistrate Court (Fast Track), Pattukottai, allowing the petitioner to recall P.W.1 by imposing a condition that the petitioner shall pay costs of Rs.5,000/- on or before 06.08.2019.

2. It is seen that the petitioner failed to comply with the above said condition on 06.08.2019. Thereafter, the petitioner also filed transfer C.M.P. to transfer the entire STC from the file of Judicial Magistrate Court (Fast Track), Pattukottai to another Magistrate in Tr.O.P.No.3158 of 2019 before the Principal District Sessions Judge, Thanjavur. Therefore, again the trial Court adjudicated the matter for so many hearings. It is also seen that the petitioner did not file any extension of time petition to comply with the condition imposed by the trial Court. Now, the learned counsel for the petitioner submitted that the petitioner is ready and willing to comply with the above said condition forthwith.



3. Considering the facts and circumstances of the case, the petitioner is permitted to avail extension of time to comply with the condition imposed by the learned trial Court till 11.09.2019, on condition that the petitioner shall pay a cost of Rs.7,500/- (Rupees Seven thousand Five hundred only) to the *de facto* complainant/respondent. The trial Court is directed to fix the date for cross examining P.W.1. and if the petitioner fails to cross examine P.W.1 on the date fixed by the trial Court, the order passed by this Court would stand automatically recalled and the trial Court is directed to proceed with the case further.

4. With these observations and directions, this Criminal Original Petition is disposed of. Consequently, connected Crl.M.P. (MD) No.7762 of 2019 is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial
Magistrate Court (Fast Track),
Pattukottai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.NALLATHAMBI, Advocate SR-85687.

Order made in
Crl.O.P. (MD) No.12388 of 2019

Dated:
05.09.2019

CS(09.09.2019) 2P 4C