



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.10892 of 2020

and

Crl.M.P. (MD)No.4968 of 2020

WEB COPY

1.Gopalakrishnan
2.Senthil @ Rajapandi
3.Narasingan
4.Raman
5.Murugesan
6.Rajamani

... Petitioners/Accused

Vs

State through rep by.,
The Inspector of Police,
Thirupparankundaram Police Station,
Thirupparankundaram,
Madurai.
(Crime No.277/2010)

... Respondent/Complainant

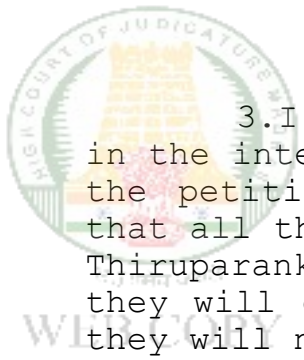
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the docket order dated 04.09.2020 passed in C.C.No.430 of 2012 on the file of the Judicial Magistrate No.VI, Madurai and set aside the same.

For Petitioners	: Mr.S.Saravanakumar
For Respondent	: Mr.V.Neelakandan,
	Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

2.The petitioners are figuring as accused in C.C.No.430 of 2012 on the file of the learned Judicial Magistrate No.VI, Madurai. The prosecution examined a number of witnesses in support of the charges. But then, they were not cross-examined on the same date. Later the accused filed recalled petition and the same was allowed. It appears that no process fee was remitted. Accused were called upon to pay a sum of Rs.200/- per witness. Pointing out that the accused have not complied with the condition and that they have not remitted the process fee, the recall petition was closed and the prosecution was directed to examine the other witnesses. Aggrieved by the same, this criminal original petition has been filed.



3.I cannot fault the approach of the Court below. However, in the interest of justice, I am inclined to show some indulgence to the petitioners. The learned counsel for the petitioners states that all the witnesses are very much available and they are based in Thiruparankundaram. The petitioners give a further undertaking that they will cross examine all the witnesses on the same day and that they will not drag on the proceedings any further.

4.The petitioners are directed to remit the process fee for all the prosecution witnesses. This shall be done within a period of one week from the date of receipt of a copy of this order. The learned Additional Public Prosecutor states that the examination of witnesses is scheduled to be held on 14.10.2020. The Court below shall defer the same. The petitioners are directed to pay a sum of Rs.500/- as costs per witness. The said amount shall be deposited while the process fee is being remitted. Since the petitioners have undertaken to cooperate with the trial, the order impugned in this criminal original petition is set aside and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Thirupparankundaram Police Station,
Thirupparankundaram,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.10892 of 2020
09.10.2020

SCR (CO)

KK(13.10.2020) 2P 4C

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