



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Appellate Jurisdiction)

Tuesday, the Eighth day of December Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

CRL MP(MD)No.6638 of 2020

in

CRL OP(MD)No.3306 of 2020

P.Jeyapaul

... Petitioner/Petitioner

Vs

1 The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

2 M.Muthupandi

... Respondents/Respondents

Prayer in CRL MP(MD)No.6638 of 2020:-

This Petition filed under section 482 of Cr.P.C. to extend the time fixed by this Hon`ble Court in order dated 25.02.2020 in Crl.O.P.(MD).No.3306 of 2020 for depositing the amount by the Petitioner and to re-fix the date for re-examination of the PW1 to PW4 and thus render justice.

Prayer in CRL OP(MD). 3306 of 2020 :

This Petition filed under section 482 of Cr.P.C to set aside the order passed in Crl.M.P.No. 416/2020 dated 10.02.2020 in S.C.No. 64/2017 on the file of the 1st Additional District Sessions Judge, Thoothukudi.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.S.M.Mohan Gandhi, Advocate for the Petitioner and of Thiru. V.Neelakandan, Additional Public Prosecutor for the first respondent, this Court made the following order:

The Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.416 of 2020, dated 10.02.2020 in S.C.No.64 of 2017, on the file of the I Additional District and Session Judge, Thoothukudi, dismissing the petition filed under Section 311 of Cr.P.C to recall the witnesses P.W.1 to P.W.4. This Court by order dated 25.02.2020, set aside the order and directed the petitioner to file a memo before the trial Court on or before 05.03.2020 and directed the learned trial judge to issue notice to the respondent for production of witnesses P.W.1 to P.W.4, on 09.03.2020. There was a further direction to the petitioner to



deposit a sum of Rs.15,000/-, out which, Rs.5000/- shall be paid to the District Legal Aid Services Authority attached to the concerned Court and on payment of the balance amount of Rs.10,000/- by the petitioner, the trial Court shall disburse the same to the witnesses on the date of their appearance before the trial Court. The petitioner is directed to complete their cross examination on the same day of their appearance. Accordingly, the petitioner was paid a sum of Rs.5000/- to the District Legal Aid Services Authority on the date fixed by this Court. The petitioner appeared before the trial Court with one day delay. Since the petitioner was not able to pay the amount before the trial Court, he filed a petition for extension of time. This Court by order dated 19.03.2020, extended time till 27.03.2020. When the petitioner appeared before the trial Court on 27.03.2020, the trial Court declared as holiday due to COVID-19 pandemic. Subsequently, when he appeared before the trial Court, the learned judge had directed him to approach this Court to obtain an order for extension of time. Accordingly, the petitioner has come before this Court with this present Criminal Miscellaneous Petition.

2. I am satisfied with the reasons set out in the petition for extension of time. The petitioner shall file a memo to the Court along with the copy of this order on or before 16.12.2020 along with the amount of Rs.10,000/- and the learned Judge shall direct the police to produce the witnesses PW 1 to PW 4 on 21.12.2020 and on the same day, the petitioner is directed to complete the cross examination. The learned Judge is directed to disburse the amount of Rs.10,000/- to the witnesses on the day of their appearance.

3. Accordingly, this petition is allowed.

Sd/-

Assistant Registrar(Crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 I Additional District and Sessions Judge
2. The Inspector of Police
Kurumbur Police Station, Thoothukudi District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 cc to MR.S.M.MOHAN GANDHI, SR.NO.24471

WEB COPY

ORDER DATED : 08/12/2020

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ORDER

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CRL MP(MD) . No.6638 of 2020

in

CRL OP(MD) No.3306 of 2020

Giving direction and etc.
as stated within.

SSS(CO)

TR(08.12.2020) 3P 5C