



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.02.2021**

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.HEMALATHA**

Crl.O.P. (MD)No.1489 of 2021

1.Murugan
2.Manikandan

...Petitioners

/Vs./

The State through
The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
(Crime No.184 of 2015)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to set aside the order passed in Cr.M.P.No.5385 of 2019 in C.C.No.122 of 2016, dated 25.11.2020 on the file of the learned Judicial Magistrate No.I, Virudhunagar and to recall the witnesses PW1, PW2 and PW4 for cross examination.

For Petitioners	: Mr.Pon Karthikeyan.R.
For Respondent	: Mr.A.Robinson
	Government Advocate (Criminal Side)

ORDER

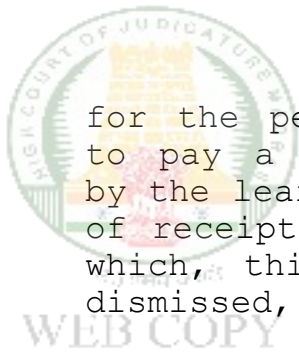
The present petition is filed by the petitioners to set aside the order dated 25.11.2020, passed by the learned Judicial Magistrate No.I, Virudhunagar in Cr.M.P.No.5385 of 2019 in C.C.No.122 of 2016.

2. The petitioners filed a petition in Cr.M.P.No.5385 of 2019 in C.C.No.122 of 2016 under Section 311 Cr.P.C., to recall PW1, PW2 and PW4 and the said petition was allowed by the learned Judicial Magistrate No.I, Virudhunagar on condition that the petitioners should pay a sum of Rs.200/- (Rupees Two Hundred only) on or before 22.11.2019. Since the cost was not paid by the petitioner, the petition filed by the petitioners was dismissed on 25.11.2020. Aggrieved over the same, this Criminal Original Petition is filed.

3. The learned counsel for the petitioner contended that the Advocate Clerk noted the hearing date as 25.11.2019 instead of 22.11.2019 and therefore, the petitioners could not pay the amount on time as directed by the learned Judicial Magistrate No.I, Virudhunagar.

4. Mr.A.Robinson, learned Government Advocate (Criminal Side), who accepts notice on behalf of the respondent, did not raise any serious objection.

5. Considering the submissions made by the learned counsel
<https://hcservices.ecourts.gov.in/hcservices/>



for the petitioners, two weeks time is granted to the petitioner to pay a sum of Rs.200/- (Rupees Two Hundred only) as directed by the learned Judicial Magistrate No.I, Virudhunagar, from the date of receipt of a copy of this order/uploading of the order, failing which, this Criminal Original Petition would stand automatically dismissed, without further reference to this Court.

6. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.I, Viruthunagar.

2.The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.

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

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NSM(CO)

KB(19.02.2021) 2P 4C