



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

CORAM :

THE HONOURABLE Mrs.JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.2216 of 2021
and
Crl.M.P(MD).No.1098 of 2021

Rajapandi

... Petitioner

Vs.

State through
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(In Crime No.502 of 2018)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Cr.M.P.No.9 of 2020 in S.C.No.78 of 2019 on the file of the learned Additional District and Sessions Judge, Periyakulam, Theni District and set aside the orders dated 29.01.2021.

For Petitioner : Mr.R.Mariappan
For Respondent : Mr.R.Erottuchamy
Government Advocate (Criminal Side)

ORDER

The present petition is filed by the petitioner under Section 482 of the Code of Criminal Procedure to call for the records in Cr.M.P.No.9 of 2020 in S.C.No.78 of 2019 on the file of the Additional District and Sessions Judge, Periyakulam, Theni District and set aside the orders dated 29.01.2021.

2.The petitioner filed Cr.M.P.No.9 of 2020 in S.C.No.78 of 2019 before the learned Additional District and Sessions Judge, Periyakulam at Theni District under Section 311 of the Code of Criminal Procedure and the said petition was allowed on 19.01.2021 with a direction to the present petitioner to pay a sum of Rs.3,000/- towards batta for P.W.15 on or before 22.01.2021 and posted the case for further hearing on 29.01.2021. Since the petitioner did not comply with the orders within the stipulated time, the said petition was dismissed on 29.01.2021. Aggrieved over the same, the present petition is filed.

3.Mr.R.Mariappan, learned counsel appearing for the petitioner submitted that due to poverty, the petitioner was not able to pay



the amount within the stipulated time. He further submitted that the petitioner would pay the amount within two weeks.

4.Mr.R.Erottuchamy, learned Government Advocate (Criminal side), who accepts notice on behalf of the respondents, did not raise any serious objections.

5.Recording the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal side), the Criminal Original Petition is allowed and the petitioner is directed to pay a sum of Rs.3,000/- towards batta within a period of one week from the date of receipt of a copy of this order, failing which, this order will stand automatically cancelled without further reference to this Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RMK

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 Additional District and Sessions Judge,
Periyakulam, Theni District.
2. The Inspector of Police,
Thenkarai Police Station, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

**Order made in
Crl.O.P. (MD)No.2216 of 2021 and
Crl.M.P (MD) .No.1098 of 2021
12.02.2021**

SGS (CO)

SRS (10/03/2021) 2P : 4C

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