



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.3573 of 2019

and

Crl.MP(MD)No.2025 of 2019

WEB COPY

Haji M.Abdul Muthalif

... Petitioner/Petitioner/Respondent

vs.

M.Mariappa Nadar Firm
Represented through its
Account/Power Agent
K.M.Manickavel
S/o.K.Mayandi Nadar,
No.02, Swami Sannathi Lane,
Madurai-625 001.

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order passed by the learned in-charge Magistrate, Fast Track Court No.I, Madurai, in Crl.M.P.No.5172 of 2018, dated 28.11.2018 and set aside the same by allow this petition and consequently direct the learned Judicial Magistrate, Fast Track Court No.I, Madurai, to restore the above order in Crl.MP.No.5172 of 2018, 28.11.2018.

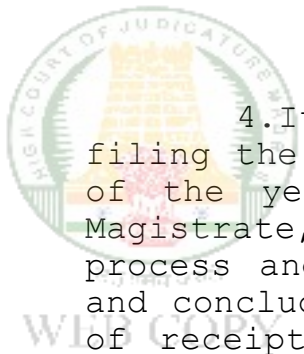
For petitioner	: No Appearance
For Respondent	: Mr.J.Jeyakumaran

O R D E R

This petition has been filed to quash the order passed by the learned in-charge Magistrate, Fast Track Court No.I, Madurai, in Crl.M.P.No.5172 of 2018, dated 28.11.2018 and set aside the same by allow this petition and consequently direct the learned Judicial Magistrate, Fast Track Court No.I, Madurai, to restore the above order in Crl.MP.No.5172 of 2018, 28.11.2018.

2.When the matter is taken up for hearing, there is no representation for the petitioner.

3.But, however, learned counsel for the respondent is present and he would submit that the petition that has been filed by the petitioner was allowed by the Trial Court by imposing cost of Rs.1000/- within a stipulated time i.e on or before 17.12.2018. But, the petitioner has failed to pay the cost memo before 17.12.2018, and it was dismissed on the subsequent date.



4.It is a simple mistake committed by the counsel in not filing the cost memo within a stipulated time. Since the matter is of the year 2016, there shall be a direction to the Judicial Magistrate, Fast Track Court No.I, Madurai, to expedite the trial process and permit to re-call P.W.1 for further cross examination and conclude the trial within a period of two months from the date of receipt of a copy of this order and the compliance must be reported to the Registry.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

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 Judicial Magistrate, Fast Track Court No.I,
Madurai.

2.The Chief Judicial Magistrate,
Madurai.

Copy to

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

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