



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
CrI.O.P. (MD) No.15039 of 2021
and
CrI.M.P. (MD) No.8033 of 2021

Gopinath @ Gopi

... Petitioner/Petitioner/Accused

Vs.

State by the Inspector of Police,
Town East Police Station,
Thanjavur.

(Crime No.2/2019)

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the order passed in CrI.M.P.No.64 of 2021 in C.C.No.11 of 2019 on the file of the learned Additional District and Sessions Judge/Special Judge under E.C. Act Cases, Thanjavur and to set aside the same.

For Petitioner : Mr.K.Navaneetharaja

For Respondent : Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

This petition is filed seeking an order to set aside the order passed in CrI.M.P.No.64 of 2021 in C.C.No.11 of 2019.

2.The petitioner is facing charge under Section 8 (c) and 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985. On 20.11.2020, P.W1 was examined in chief by the prosecution. According to the petitioner, due to the pandemic situation, the learned counsel for the petitioner could not cross-examine the P.W1. So, the petitioner filed an application in CrI.M.P.No.64 of 2021 under Section 311 of Cr.P.C., for recalling P.W1 and that was allowed with condition that the petitioner must pay a sum of Rs.1,000/- to P.W1 on or before 25.01.2021.

3.Now the grievance of the petitioner is that within the time stipulated by this Court, he could not deposit the aforesaid amount. Only on this ground, this petition came to be filed. The petitioner can very well file a petition seeking extension of time before the concerned Court. Without filing such petition, this petitioner has approached this Court by way of this petition seeking to set aside



the aforesaid order, which is not proper.

4.The question of set asiding the order passed in CrI.M.P.No.64 of 2021 does not arise, since the order has been passed in favour of the petitioner subject to the condition that the petitioner must pay a sum of Rs.1,000/- to P.W1 on or before 25.01.2021. For compliance of the aforesaid condition, if the petitioner faces any inconvenience, proper course is available to the petitioner as stated above. So, the question of set asiding the order does not arise and also a misconceptional petition.

5.With the aforesaid direction, this petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// 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 Inspector of Police,
Town East Police Station,
Thanjavur.

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

Copy to:

The Additional District and

Sessions Judge/Special Judge under E.C. Act Cases,
Thanjavur

CrI.O.P. (MD)No.15039 of 2021
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SE (CO)

KB(01.11.2021) 2P 4C