



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No.18049 of 2021

and

Crl MP(MD)No.9863 of 2021

1.G.Malliga
2.Ganesan

... Petitioners/ Accused No.1 & 2

Vs.

Nagaoor Meeran

... Respondent/ Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the impugned docket order passed by the learned Fast Track Judge, (Judicial Magistrate Level), Thiruvaiyaru, Thanjavur District in STC No.74 of 2019 dated 12.10.2021.

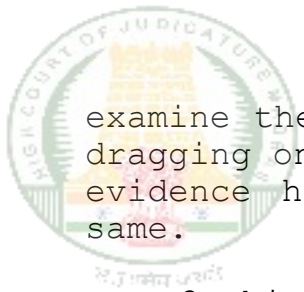
For Petitioners : Mr.K.Karuppasamy Pandiyan

For Respondents : Mr.Sugadev

ORDER

The petitioners are facing trial for the offence under Section 138 of the Negotiable Instruments Act in STC No.74 of 2019 on the file of the Fast Track Judge, (Judicial Magistrate Level), Thiruvaiyaru, Thanjavur District. The petitioners filed CMP No.1789 of 2021 for recall of PW.1. Vide order dated 05.10.2021, the learned Trial Magistrate allowed the petition. However, the petitioners were directed to deposit a sum of Rs.1,000/- to the Legal Services Authority. It appears that they failed to do so within time. According to the petitioners, the order copy was not made ready in time.

2.I do not want to go into the said controversy. The fact remains that the petitioners have now remitted the cost to the Legal Services Authority. Since the court below had already allowed the recall petition, in the interest of justice, the time stipulated by the court is extended. It is stated that the next hearing date is 10.12.2021. On the said date, the complainant will appear for cross examination by the petitioners herein. The petitioners will cross



examine the complainant on the same day and they will not adopt any dragging on tactics. If for non-payment of cost, the complainant's evidence has been closed, the trial magistrate shall re-open the same.

3.This petition is allowed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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

The Fast Track Judge, (Judicial Magistrate Level),
Thiruvaiyaru, Thanjavur District.

+1 CC to Mr.G.KARUPPASAMY PANDIYAN, Advocate (SR-36919[F] dated 02/12/2021)

CrI O.P. (MD)No.18049 of 2021

and

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MK//02.12.2021/2P/3C