



CRL.O.P.No.18610 of 2022

Crl.O.P.No.18610 of 2022

WEB CO N.SATHISH KUMAR. J.,

This matter is listed for hearing today under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioner would submit that the mother of the petitioner not died, but in the final order passed by this Court on 11.08.2022 in paragraph No.2, it has been typed as follows:-

“2. Learned counsel for the petitioner seeks one more opportunity since the cost does not paid due to the death of the petitioner's mother and the counsel also not properly informed the same to the Court.”

and prays that the said mistake may be rectified in the order.

3.Accordingly, the paragraph No.2 of the order, dated 11.08.2022 in Crl.O.P.No.18610 of 2022 shall be read as follows:

“2. Learned counsel for the petitioner seeks one more opportunity since the cost has not been paid due to the ill-health of the petitioner's mother and the counsel also not properly informed the same to the Court.”



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4.Registry is directed to issue the fresh order copy after making necessary corrections in the above said order, dated 11.08.2022.

29.08.2022

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CRL.O.P.No.18610 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.18610 of 2022

and

Crl.M.P.No.12295 of 2022

Sasi

... Petitioner

Vs.

Jayakumar

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records relating to the impugned order dated 10.06.2022 made in C.M.P 741 of 2022 in C.C.No.25 of 2019 on the file of the learned Fast Track Court (JM Level), Dharmapuri to set -aside the order.

For Petitioner : Mr.B.Vetrivel

For Respondents : Mr.N.Muthuvel,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to set aside the dismissal order passed by the learned Fast Track Court (JM Level), Dharmapuri in C.M.P 741 of 2022 in C.C.No.25 of 2019 dated 10.06.2022 filed under Section 311 of Cr.P.C.

2. Learned counsel for the petitioner seeks one more opportunity



since the cost does not paid due to the death of the petitioner's mother and the counsel also not properly informed the same to the Court. Though the application filed under Section 311 of Cr.P.C was originally allowed by the Trial Court on payment of cost of Rs.1,000/- payable on or before 09.06.2022, as cost was not paid by the petitioner, the Trial Court had dismissed the application on 10.06.2022. Hence, he seeks to set aside the dismissal order passed by the Trial Court.

3. Heard the learned counsel for the petitioner and perused the entire materials available on record.

4. Considering the submission, this Court is of the view that one more final chance has to be given to the petitioner to cross examine the PW1. Further, the time granted by the Trial Court for payment of cost is extended for a period of 10 days from the date of receipt of a copy of this Order. On such payment, the Trial Court shall fix specific date to summon PW1 for cross examination and expeditiously dispose of the matter on merits.

5. Accordingly, the order passed by the learned Fast Track Court (JM Level), Dharmapuri in C.M.P 741 of 2022 in C.C.No.25 of 2019 dated



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10.06.2022 is set aside. With the above direction, this Criminal Original

Petition stands disposed of. Consequently, connected Criminal

Miscellaneous Petition is closed.

11.08.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

shk

To

1.The learned Fast Track Court (JM Level), Dharmapuri



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shk

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11.08.2022