



Crl.O.P.(MD) No.12044 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12044 of 2022

K.Murugan

... Petitioner/Petitioner/
Sole Accused

Vs

The State Represented by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

... Respondent/
Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the order, dated 30.05.2019, made in Crl.M.P.No.6815 of 2019 in C.C.No.1 of 2017 on the file of the learned Judicial Magistrate No.V, Tirunelveli, and to set aside the same.

For Petitioner : Mr.M.Sankar

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed challenging the impugned order passed in Crl.M.P.No.6815 of 2019 in C.C.No.1 of 2017 on the file of the learned Judicial Magistrate No.V, Tirunelveli, dated 30.05.2019.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in C.C.No.1 of 2017, on the file of the Judicial Magistrate No.V, Tirunelveli. The prosecution witnesses P.W.1 to P.W.4 have been examined and due to some other reason, the witnesses were not cross examined. Hence, he filed a petition in Crl.M.P.No.6815 of 2019 for recalling witnesses P.W.1 to P.W.4. The learned Magistrate allowed the recall petition on condition that he shall pay a sum of Rs.1000/- as cost to each witnesses for their appearance and also directed to pay a sum of Rs.600/- to the District Legal Services Authority as on or before 13.06.2019. Since the petitioner has not complied with the order of the learned Magistrate, the petitioner filed this present petition to set-aside the impugned order.



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3. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the case is pending for examination of Investigation Officer and posted for examination of Investigation Officer on 08.08.2022 .

4. On a perusal of the impugned order, it is seen that the learned trial Judge allowed the petition to recall the witnesses P.W.1 to P.W.4 on payment of Cost of Rs.1000/- to each witnesses on the date of their appearance and also directed to pay a sum of Rs.600/- to the District Legal Services Authority as on or before 13.06.2019. The petitioner expressed his inability to comply with the condition for paying a sum of Rs.600/- to the District Legal Services Authority on or before 13.06.2019. Now, he is ready to pay the amount and he seeks further time to give a chance to the petitioner to cross-examine the witnesses P.W.1 to P.W.4 and ready to pay the cost imposed by the learned Judicial Magistrate No.V, Tirunelveli.

5. Accepting the submission of the learned counsel for the petitioner for payment of Rs.600/- to the District Legal Services Authority, further two



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weeks time is granted to the petitioner to pay a cost of Rs.600/- to the District Legal Services Authority.

6. In view of the above, the petitioner is directed to pay a sum of Rs.600/- to the District Legal Services Authority within a period of two weeks from the date of receipt of a copy of this order with regard to other condition for payment of cost of Rs.1000/- to each witnesses on the date of their appearance is unaltered.

7. With the above direction, this Criminal Original Petition is allowed.

06.07.2022

Internet:Yes./No
Index:Yes/no
ebsi



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To

1. The Judicial Magistrate No.V,
Tirunelveli.

2. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

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



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V.SIVAGNANAM, J.

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ORDER IN
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