



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10318 of 2022

WEB COPY

1. M.Velladurai
2. Maridurai

... Petitioners/ Accused No.1 & 2

Vs

The State, Represented by
The Inspector of Police,
Meignanapuram Police Station,
In Crime No. 167 of 2012,
Thoothukudi District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the trial Court to dispose the petitioner's emergent Copy Application in C.A.No.1741 of 2022, dated 19.04.2022 and issue order copy in Cr.M.P.No.1263 of 2022, dated 12.04.2022 on the file of the Principal District Court, Thoothukudi within stipulated period and proceed with case.

For Petitioners : M/s.K.Suyambulinga Bharathi

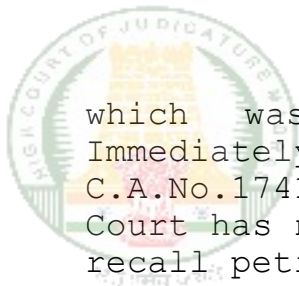
For Respondent : Mr.R.Suresh Kumar

Government Advocate (CrI Side)

O R D E R

This Criminal Original Petition has been filed for a direction, to direct the trial Court to dispose the petitioner's emergent Copy Application in C.A.No.1741 of 2022, dated 19.04.2022 and issue order copy in Cr.M.P.No.1263 of 2022, dated 12.04.2022 on the file of the Principal District Court, Thoothukudi within stipulated period and proceed with case.

2. The learned counsel for the petitioners submitted that the petitioners and others have been prosecuted for the offence under Sections 294(b), 302 and 506(ii) of IPC. The case was committed to the Sessions Court, and the case was taken on file in S.C.No.240 of 2015 pending on the file of the II Additional District Court, Thoothukudi. The prosecution witnesses PW.1 to P.W.15 were examined. But not cross examined so far. One of the co-accused/A3 has not appeared before the trial Court and non- bailable warrant has been issued by the trial Court against the accused no.3. It was pending from 08.10.2018 to 20.12.2021. Thereafter, the learned Judge split up the case as against accused No.3. Now, the case is posted for examination of further witnesses and for further proceedings. An application has been filed to recall the witnesses for cross examination under Section 311 Cr.P.C in Cr.M.P.No.1263 of 2022,



which was dismissed by the learned Judge on 12.04.2022. Immediately, the petitioners filed a Copy Application in C.A.No.1741 of 2022, dated 19.04.2022 itself. But, so far the trial Court has not provided the copy of the dismissal order passed in the recall petition.

WEB COPY

3. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the case is posted for further proceedings pending against the accused.

4. On verification of records, it is found that the case has been taken on file in S.C.No.240 of 2015, on the file of the II Additional District Court, Thoothukudi, against the petitioners and two others and witnesses P.W.1 to P.W.15 have been examined but they have not been cross-examined by the petitioners. To recall the prosecution witnesses, the petitioners have filed a petition in Cr.M.P.No.1263 of 2022 and it was dismissed on 12.04.2022. The petitioners filed a Copy Application in C.A.No.1741 of 2022, dated 19.04.2022.

5. It is found that the trial is not yet completed and that the certified copy of the dismissal order was not furnished to the petitioners.

6. Considering the above facts, this Court directs the II Additional District Court, Thoothukudi, to furnish the certified copy of the order passed in Cr.M.P.No.1263 of 2022, dated 12.04.2022 forthwith.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ebsi

To

1. The Principal District JUdge, Thoothukudi

2.The II Additional District Judge, Thoothukudi.

3.The Inspector of Police,
Meignanapuram Police Station,
In Crime No. 167 of 2012,
Thoothukudi District.



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

WEB COPY

CRL.O.P (MD) No.10318 of 2022
13.06.2022

KK (CO)
KB (30.06.2022) 3P 5C