



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.06.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**CRL.O.P (MD) No.10258 of 2022**

**and**

**Crl.M.P(MD) No.6414 of 2022**

WEB COPY

1. Mayandi @ Ravi  
2. Lakshmi @ Subbulakshmi  
3. Manikandan @ Jothimanikandan ... Petitioners/  
Accused No. 1 to 3

Vs

The State of Tamil Nadu  
Represented by the Inspector of Police,  
Srivaikundam Police Station,  
Srivaikundam,  
Thoothukudi District.  
(Crime No.116 of 2018) ... Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the condition imposed in the order dated 22.12.2021 passed in Crl.M.P.No.6614 of 2021 in S.C.No.219 of 2019 on the file of the Mahila Court (Fast Track Court) Thoothukudi, Thoothukudi District by allowing this Criminal Original Petition.

For Petitioners : Mr.N.Pragalathan  
For R1 : Mr.E.Anotny Sahaya Prabahar  
Additional Public Prosecutor

**O R D E R**

This Criminal Original Petition has been filed seeking to set aside the condition imposed in the order dated 22.12.2021 passed in Crl.M.P.No.6614 of 2021 in S.C.No.219 of 2019 on the file of the Mahila Court (Fast Track Court) Thoothukudi, Thoothukudi District by allowing this Criminal Original Petition.

2.The learned counsel for the petitioners submitted that the petitioners were prosecuted by the respondent police for the offences under Sections 294(b), 323, 307, 506 (ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act before the trial Court. The prosecution witnesses P.W.1 to P.W.4 were examined on 06.12.2021 on the date the petitioners/ Accused are not prosecuted for cross examination of witnesses. The case after chief examination was posted to some other day and further witnesses has been examined. Subsequently, these petitioners have filed a petition under section 311 of Cr.P.C recalling the witnesses P.W.1 to P.W.4 for further cross-examination. The petition was allowed by the trial Court on 22.12.2021 with a condition to pay a sum of Rs.5,000/- as cost to each of the witnesses. Aggrieved by this order, the present Criminal Original Petition has been filed.



3. The learned Additional Public Prosecutor submitted that the witnesses were examined on 06.12.2021 for the cross examination. The case was kept till the end of the Court but the accused have examined P.W.1 to P.W.4. Subsequently the petitioners filed an application under Section 311 Cr.P.C., which was allowed with costs.

4. I have considered the matter in the light of the submission made by the learned counsel on either side. Admittedly, the petitioners/ accused were prosecuted by the respondent police for the offence punishable under Sections 294(b), 323, 307, 506 (ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Records reveals that on 06.12.2021, P.W.1 to P.W.4 were examined by the petitioner and passed over for cross examination of the witnesses. The accused did not cross examine the witnesses. Hence, witnesses were sent back subsequently these petitioners have filed a petition under Section 311 Cr.P.C in Crl.M.P.No.6614 of 2021 which was considered by the trial Court and wantonly the petitioners avoided the cross examination. In these circumstances, the trial Court imposing a cost of Rs.5,000/- to each of the witnesses is justifiable. I find no error in the order of the trial Court and no merits in this petition.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Judge,  
Mahila Court(Fast Track Court), Thoothukudi.
- 2.The Inspector of Police,  
Srivaikundam Police Station,  
Srivaikundam, Thoothukudi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER IN

**CRL.O.P (MD) No.10258 of 2022**

**10.06.2022**

**NSN** (CO)

GC(30.06.2022) 2P 4C

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