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Crl.O.P.No.410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.410 of 2023

and

Crl.M.P.No.206 of 2023

Sithan

... Petitioner

Vs.

Kaliyappan

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order in Crl.M.P.No.3846 of 2022 in S.T.C.No.8 of 2019 on 15.11.2022 and 28.11.2022 on the file of the Judicial Magistrate-Fast Track Court (ML) Dharmapuri.

For Petitioner : Mr.M.Selvam

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the Judicial Magistrate-Fast Track Court (ML) Dharmapuri in



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Crl.M.P.No.3846 of 2022 in S.T.C.No.8 of 2019 on 15.11.2022 and 28.11.2022.

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2. The learned counsel for the petitioner submitted that the petitioner had filed a petition in Crl.M.P.No.3846 of 2022 in S.T.C.No.8 of 2019 before the Judicial Magistrate-Fast Track Court (ML) Dharmapuri, seeking reopening of the defence side evidence. The learned Magistrate on 15.11.2022, had allowed the petition by imposing cost of Rs.2,000/- payable to the respondent on or before 25.11.2022 . However, due to illness, the petitioner was unable to pay the amount on time. Therefore, the defence side evidence was closed and posted for arguments. Hence, the present petition has been filed.

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

5. This Court on going through the impugned order, finds that the case was pending for defence side evidence from 01.12.2021 to 25.05.2022. It appears that the petitioner availed 13 hearings for defence evidence. DW1 was cross examined from 17.08.2022 to 12.10.2022. Though the learned Magistrate found that the petition filed by the petitioner was only to drag the proceedings,



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however, in order to give one more opportunity, the learned Magistrate had allowed the petition by imposing cost. Therefore, this Court finds no infirmity in the order passed by the learned Magistrate.

6. At this juncture, learned counsel for the petitioner submitted that now the petitioner is ready to pay the cost imposed by the learned Magistrate.

7. Recording the submission made by the learned counsel for the petitioner, this Criminal Original Petition stands disposed of with a direction to the petitioner to pay a costs of Rs.2,000/- to the respondent within a period of two weeks from the date of receipt of a copy of this order. On such payment, the learned Judicial Magistrate-Fast Track Court (ML) Dharmapuri is directed to reopen the case for defence evidence and after recording the defence evidence dispose of the case on merits and in accordance with law, as early as possible.

6. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

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G.CHANDRASEKHARAN,J.

shk

To

1. The Judicial Magistrate-Fast Track Court (ML) Dharmapuri
2. The Public Prosecutor,
High Court of Madras.

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and
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