



Crl.O.P.(MD)No.5584 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.04.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5584 of 2023

and

Crl.M.P.No.4880 of 2023

P.Gurunathan

... Petitioner/Complainant

Vs.

1.Kittu @ Krishnan

... 1st Respondent/Complainant

2.K.Jothi @ Jothilakshmi

3.V.Ganesan

4.P.Vellimalai @ Muthu

5.P.Theertham

6.Vandigararasu

7.S.Ravi

8.K.Muthukaruppu

9.K.Sundar

10.Paraman

11.Kumar

...Respondents / Accused



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and to set aside docket order dated 14.02.2023 and consequential order dated 24.02.2023 passed in the Memo filed in C.C.No.45 of 2019 on the file of the Learned Judicial Magistrate, Vadipatti, Madurai District.

For Petitioner : Mr.M.Venkatesan

ORDER

This Criminal Original Petition has been filed to call for the records and to set aside docket order dated 14.02.2023 and consequential order dated 24.02.2023 passed in the Memo filed in C.C.No.45 of 2019 on the file of the Learned Judicial Magistrate, Vadipatti, Madurai District.

2.Reading of the order shows that, the case was filed under Section 200 Cr.P.C. as a private complaint and taking cognizance on 09.05.2019. Even after repeated adjournments, the complainant did not come forward to give evidence. It was posted on 02.02.2023 for complainant's side evidence. The matter was posted further at 5.00 p.m. on 02.02.2023,. In spite of that, the complainant did not come forward. So, Rs.1,000/- cost



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was ordered upon the counsel for the inconvenience caused by the accused.

3. On 14.02.2023, the power of the Court to pass such an order was challenged. Rs.1,000/- cost was paid. Finding that Rs.500/- each to the accused was ordered, but the counsel misunderstood the cost, so it was objected by the trial Court.

4. It is seen from the records that objection was made by the petitioner with regard to the power of the Court to impose cost, but such a challenge is not permissible and cannot be entertained also. The Court is very well having power to pass any orders, which are legal in nature, if delaying tactics adopted by the parties.

5. However, the petitioner is directed to co-operate with the trial Court to complete the trial process. The learned Judicial Magistrate, Vadipatti, Madurai District, is directed to complete the trial within a period of five months from the date of receipt of copy of this order.



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6. With the above said direction, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

05.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Indu

To

- 1.The learned Judicial Magistrate,
Vadipatti, Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
Crl.O.P.(MD)No.5584 of 2023

Dated: 05.04.2023