



CrI.O.P.(MD)No.10933 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD)No.10933 of 2023
and CrI.M.P.(MD).No.8274 of 2023

P.Parnaboss

.. Petitioner/Accused

Vs.

The State represented by
Sub Inspector of Police,
Pappanadu Police Station,
Orathanadu Taluk,
Thanjavur District.
(FIR No.17/2015)

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the order, dated 29.12.2022, passed in CrI.M.P.No.3721/2022 in C.C.No.58/2015 on the file of the District Munsif Cum Judicial magistrate, Orathanadu, Thanjavur District, and set aside the same.

For Petitioner : Mr.D.Gnanasekaran

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed challenging the order, dated 29.12.2022, passed in Crl.M.P.No.3721/2022 in C.C.No. 58/2015 on the file of the District Munsif Cum Judicial magistrate, Orathanadu, Thanjavur District.

2.Initially, the petitioner has filed a petition to recall the witnesses namely PW1 to 3 and PW6 for cross examination. That was allowed with some conditions. Later the above said condition was not fulfilled. Even process fee was not paid. The learned counsel before the trial Court report no instructions. Hence, warrant was issued against the petitioner. Later it was recalled. Again the second petition has been filed, which was dismissed on the ground that the earlier opportunity was not properly utilized by the petitioner. The petitioner ought to have paid proper Court fee. Without complying the earlier order, this petition has been filed, which is not at all maintainable.

3.The learned Additional Public Prosecutor made his objections that the case is of the year 2015.



4. Even though mistake had been committed by the counsel on record before the trial Court, considering the charges faced by the petitioner, this Court is inclined to give one more opportunity to the petitioner.

5. Accordingly, this Court passed the following Order:

1. The order, dated 29.12.2022, passed in CrI.M.P.No.3721/2022 in C.C.No.58/2015 on the file of the District Munsif Cum Judicial magistrate, Orathanadu, Thanjavur District, is hereby set aside.
2. The petitioner must deposit a sum of Rs.5,000/- (Rupees five Thousand only) as cost to each of the witnesses to the credit of C.C.No.58 of 2015 before the trial Court, within a period of one week from the date of receipt of a copy of this order.
3. On such deposit, the trial Court is directed to recall the witnesses namely PW1 to PW3 and PW6 for cross examination by fixing a particular date. On that date, the petitioner must cross examine the witness without fail. If any failure is noticed, then the further right to cross examine the witness will be forfeited.



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6. With the above said directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

20.06.2023

Index : Yes/No
Internet : Yes/No
TM

To

1. The District Munsif Cum Judicial magistrate, Orathanadu,
Thanjavur District.
2. The Sub Inspector of Police,
Pappanadu Police Station,
Orathanadu Taluk,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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