



CrI.O.P.(MD).No.19832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD).No.19832 of 2023

Murugammal

... Petitioner

Vs.

The State rep.by
The Sub Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.451 of 2013)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in Cr.M.P.No. 2585/2023 in C.C.No.170/2014 on the file of Learned District Munsif Cum Judicial Magistrate Shencottai dt 20.09.2023 and set aside the same.

For Petitioner : Mr.S.Selva Kumar

**For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(CrI.side)**



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ORDER

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This criminal original petition has been filed to set aside the order passed in Cr.M.P.No.2585 of 2023 in C.C.No.170 of 2014 on the file of Learned District Munsif Cum Judicial Magistrate, Shencottai, dated 20.09.2023.

2.The petitioner is facing charges under Sections 294(b), 354A, 506(ii) of IPC in C.C.No.170 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Shencottai. Pending the said trial process, there was compromise between the parties. It is case in counter case. The counter case in C.C.No.459 of 2014 is also pending before the very same Court. Seeking recall of PW1 and PW2, petition was filed by the petitioner. That was dismissed by the trial Court stating that on the date of chief examination opportunity was given to the petitioner to cross examine the witnesses. But failed to do so. Without assigning proper reason, petition has been filed.

3.Since it is case and counter case, both the cases are compromised, this Court is inclined to give one more opportunity to the



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petitioner on payment of cost to cross examine PW1 & PW2.

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4.On that sole ground, the impugned order passed by the Learned District Munsif Cum Judicial Magistrate Shencottai, dated 20.09.2023 in Cr.M.P.No.2585 of 2023 in C.C.No.170 of 2014, is hereby set aside and this criminal original petition is **allowed** with following stringent conditions.

1) The petitioner must deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as total cost to the witnesses namely PW1 & PW2 to the credit of C.C.No. 170 of 2014, before the trial Court, within a period of fifteen days from the date of receipt of a copy of this order.

2) On such deposit, the trial Court is directed to recall the witnesses P.W.1 and P.W.2 for cross examination by fixing a particular date. On that date, the petitioner must cross examine the above said witnesses without fail. If any failure is noticed, then the further right to cross examine the witness will be forfeited.

07.11.2023

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

- 1.The District Munsif Cum Judicial Magistrate, Shencottai.
- 2.The Sub Inspector of Police, Courtallam Police Station,
Tenkasi District. (Crime No.451 of 2013)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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