



CrI.O.P.(MD).No.20143 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD).No.20143 of 2023

1.Palanisamy
2.Gomathi
3.Sakthikumar

... Petitioners

Vs.

The Sub-Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and set aside the docket order made in Cr.M.P.No.5830/2023 in CC No.251/2016 on the file of the Judicial Magistrate, Ambasamudram, dated 26/09/2023.

For Petitioner : Mr.D.Venkatesh

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



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ORDER

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This petition has been filed to set aside the docket order made in Cr.M.P.No.5830/2023 in CC No.251/2016 on the file of the Judicial Magistrate, Ambasamudram, dated 26/09/2023.

2.The grievance of the petitioner is that the recall application to recall PW1 to PW5, filed by the petitioner was allowed by the trial Court on payment of cost of Rs.250/- per head. The order was passed on 22.08.2023. The process fee was also ordered to be paid. Accordingly, the process fee was paid on 05.09.2023, which is also evident from the Court seal. Thereafter the matter was called on 26.09.2023. On that date, by mistake, the above said petition was dismissed as if the process fee not paid. This is the mistake committed by the trial Court.

3.In view of the mistake that has been committed by the trial Court, this Court is inclined to set aside the above said docket order.

4.Accordingly, the docket order made in Cr.M.P.No.5830/2023 in CC No.251/2016 on the file of the Judicial Magistrate, Ambasamudram,



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dated 26/09/2023, is hereby set aside. The petition is ordered to be restored to the file on the basis of the process fee that has been paid by the petitioner and the trial Court shall proceed with the trial by fixing a particular date.

5. With the above said directions, this criminal original petition stands allowed.

09.11.2023

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

To

1. The Judicial Magistrate, Ambasamudram.
2. The Sub-Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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