



CrI.O.P.(MD) No.22882 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2023**

CORAM:

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

CrI.O.P.(MD)No.22882 of 2022

Jagadesh

...Petitioner

Vs.

Muthuramalingam

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed in Cr.M.P. No.4846 of 2022 in C.C. 45 of 2021 dated 08.12.2022 on the file of the Learned Fast Track Court Magistrate Level, Kovilpatti, Tuticorin District.

For Petitioner :Mr.KA.Raamakrishnan

ORDER

This petition is filed to set aside the order passed in Cr.M.P. No.4846 of 2022 in C.C. 45 of 2021 dated 08.12.2022 on the file of the Learned Fast Track Court Magistrate Level, Kovilpatti, Tuticorin District.



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2.The learned counsel appearing for the petitioner would submit that even though P.W.1 was examined in chief and cross, he filed an application under Section 311 Cr.P.C., seeking recall of P.W.1 for the purpose of compromise. That was dismissed by the trial Court stating that they have not assigned any reasons for the delay in making application. Aggrieved over the same, the present petition has been filed.

3.Considering the above said development of compromise, this Court is of the view that one more opportunity may be given to the petitioner on payment of cost.

4.On that ground, this Court is inclined to pass the following order.

1.The order of dismissal passed by the learned Fast Track Court (Magistrate Level), Kovilpatti, Thoothukudi District, dated 08.12.2022, in Cr.M.P.No. 4846 of 2022 in C.C.No.45 of 2021, is hereby set aside.

2.The petitioner must deposit a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the witness to



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the credit of C.C.No.45 of 2021 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 witness namely PW1 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.

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

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

31.10.2023

VSG

To

The Fast Track Court Magistrate Level,
Kovilpatti, Tuticorin District.

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G.ILANGOVA. J.

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