



CRL MP(MD) No.16704 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.16704 of 2023

IN

CRL RC(MD) No.990 of 2023

R.NAGAPRADEEP

... Petitioner / Petitioner / Complainant

Vs

D.SUMILTAN

... Respondent / Respondent / Accused

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to provide the Extension of time of the order for condition No(ii) In CrI.R.C.(MD).NO.990 of 2023 dt on.05.09.2023 on the file of this Honble Court.

Prayer in CRL RC(MD). 990/ 2023 :

C-45R. To call for the records of CrI M.P (MD) No.5061/2021 dated 12.09.2022 on the file of the Judicial Magistrate court No.1, Dindigul and set aside the same and consequently directed to the learned Judge to number the petitioner's un number complaint dated 08.03.2021.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.S.KARTHIK, Advocate for the petitioner and of Mr.V.MALAIYENDRAN, Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to provide the extension of time to comply with the



CRL MP(MD) No.16704 of 2023

condition No.(ii) in CrI.R.C(MD).No.990 of 2023 dated 05.09.2023 on the file of this Court.

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2. The learned counsel for the petitioner submitted that after receiving the order of this Court in CrI.R.C(MD).No.990 of 2023 dated 05.09.2023, the petitioner has paid a cost of Rs.5,000/- (Rupees Five Thousand only) to the respondent and the petitioner was affected with viral fever and he could not able to attend the trial Court on 29.09.2023 as directed by this Court. Hence, he filed this petition.

3. The learned counsel for the petitioner has also produced the medical certificate, which shows that the petitioner was affected with viral fever with Jaundice.

4. The learned counsel for the respondent submitted that the petitioner has already paid the cost of Rs.5,000/- (Rupees Five Thousand only) to the respondent.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Considering the reasons stated in the affidavit filed in support of this petition, this petition is allowed and the condition No.(ii) in CrI.R.C(MD).No.990 of 2023 dated 05.09.2023 is modified as follows :-



CRL MP(MD) No.16704 of 2023

“(ii) The petitioner is directed to appear before the learned trial Judge on 18.12.2023 and on that day, the learned trial Judge hereby directed to take cognizance on the complaint filed by the petitioner upon verifying the payment of cost and complete the trial within a period of eight months from the date of the submission of the acknowledgment of payment of the costs by the petitioner.”

sd/-
28/11/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Judicial Magistrate No.I,
Dindigul.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

+1CC to S.KARTHIK, Advocate, SR.No.53578(F), dated 28.11.2023

ORDER
IN
CRL MP(MD) No.16704 of 2023
IN
CRL RC(MD) No.990 of 2023
Date :28/11/2023



CRL MP(MD) No.16704 of 2023

ED/JGB /SAR- (12/12/2023) 4P / 4C

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