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Crl.OP.No.10262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.10262 of 2024

M. Madhu

... Petitioner

Vs.

R. Ayyappan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 02.03.2024 passed by the learned Judicial Magistrate (Fast Track) Court Dharmapuri, in Crl.MP.No.203 of 2024 in STC.No.106 of 2021 and permit the petitioner to deposit the cost of Rs.5000/- before the learned Judicial Magistrate (Fast Track) Court Dhamapuri and to re-open the defense side witness.

For Petitioner : Mr.S. Senthil

ORDER

The petitioner herein is an accused in a private complaint registered under Section 138 of Negotiable Instruments Act.



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2. When the matter was posted for defence witness the accused was not able to marshal his witness and sought for time. The trial Court considering his request has granted time on payment of cost Rs.5,000/- to be paid on or before 01.03.2024. But, the petitioner was unable to pay the cost and had lost the opportunity to examine the defence witnesses. Hence, he is before this Court seeking intervention of this Court to set aside the impugned order and provide him an opportunity to marshal his witnesses.

3. The learned counsel appearing for the petitioner states that due to financial difficulty, the petitioner was not able to pay the cost of Rs.5,000/- on or before 01.03.2024 . He is now ready to pay the cost before the next hearing date which is fixed on 08.05.2024.

4. In the light of the above submissions, this Court is of the view that if the petitioner pay the cost of Rs.5,000/- on or before 07.05.2024, he can marshal his witnesses listed in his petition, on 08.05.2024. The trial Court shall record the evidence of those witnesses provided the costs is paid before 07.05.2024.



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WEB COPY 5. With the above observations, this Criminal Original Petition is disposed of.

29.04.2024

Vv

Note: Issue Order Copy on 06.05.2024

To

1. The Judicial Magistrate
(Fast Track) Court,
Dhamapuri



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Dr.G.JAYACHANDRAN,J.

Vv

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