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Crl.OP.No.10736 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 30.04.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.OP.No.10736 of 2024

A.K.Nagarajan

... Petitioner

Vs.

N.Velusamy

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 03.10.2023 passed in Cr.MP.No.2548 of 2023 in STC.No.48 of 2018 on the file of the learned Judicial Magistrate-II, Pollachi and reopen for cross examination of P.W.1.

For Petitioner : Mr.K.Vasanthanayagan

**ORDER**

This Criminal Original Petition is filed to set aside the dismissal order of the trial Court, the petition to re-open the case for the purpose of re-calling P.W.1 and cross examination.



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2. The perusal of impugned order clearly indicates that the present petition is filed belatedly. When the matter is posted for settlement through mediation. The complaint is of the year 2018. P.W.1 was examined on 20.05.2018. The application to re-call P.W.1 was allowed on condition. However, when the witness was present on 15.11.2021, the accused has not complied with the condition of payment of costs of Rs.1,000/- and therefore, he has lost the opportunity to cross-examine P.W.1. Since the petitioner is at default, there is no necessity to interfere with the order passed by the trial court.

3. For the above reasons, this Criminal Original Petition is dismissed.

**30.04.2024**

Vv

To

1. The Judicial Magistrate-II,  
Pollachi
2. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**Dr.G.JAYACHANDRAN,J.**

Vv

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