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Crl.OP.No.18508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.18508 of 2024

and

Crl.MP.No.10962 of 2024

1.Selvam
2. Pandiyan
3. Thamizh

... Petitioners

Vs.

The State rep.by
The Inspector of Police,
Srimushnam Police Station,
Srimushnam, Cuddalore.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of B.N.S.S, to set aside the order in Crl.MP.No.7565 of 2024 in C.C.No.336 of 2017 on 27.06.2024 on the file of the Judicial Magistrate Court-II, Virdhachalam.

For Petitioners : Mr.M.Selvam

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

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The petitioner herein is the accused in Cr.No.220 of 2016 registered on 30.10.2016 for offence under Sections 294(b), 323, 427 and 506(i) of IPC. The prosecution has examined P.W.1 to P.W.9 as early as on 25.02.2019. The accused failed to cross-examine them and filed an application to re-call this witnesses in Crl.MP.No.7565 of 2014, the learned Judicial Magistrate-II, Virudhachalam has allowed the petition on cost of Rs.1000/- for each witness, P.W.1 to P.W.9 without fail at the time of cross-examination and the matter was adjourned to 27.06.2024. On that day, A1 to A3 remained absent and there was no representation either on their behalf and cost was not paid.. Recording the same, the trial Court has dismissed the petition. Challenging the said order, the present petition is filed.

2. The learned counsel for the petitioner submits that the petitioner is ready to deposit the costs. Due to mis-communication, the accused were not present on that day to pay the costs and therefore same may be condoned and the petitioner is permitted to deposit costs amount and cross-examine the witnesses.



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3. This Court on perusing status of the case finds that the petitioners are still absconding and the matter is posted for judgement on 06.08.2024. The absence of the petitioners as well as the failure to pay the costs, not properly explained. Therefore, this Court finds no illegality or perversity in the order passed by the trial Court. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

02.08.2024

Vv

To

1. The Judicial Magistrate Court-II,
Virdhachalam
2. The Inspector of Police,
Srimushnam Police Station,
Srimushnam, Cuddalore.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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