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Crl.OP.No20722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.20722 of 2024

and

Crl.MP.No.11932 of 2024

Siva Kumar

Vs.

... Petitioner

Senthil Kumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C and 528 of BNSS, to set aside the dismissal order in Crl.MP.No.1488 of 2024 in STC.No.172 of 2021 dated 24.07.2024 passed by the learned Fast Track Court Judicial Magistrate Level, Dharmapuri by allowing the recalling petition.

For Petitioner : Mr.V.Yashika

ORDER

The petition to re-call was allowed by the Court below on payment of cost on or before 11.07.2024. The petitioner has failed to pay the costs



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before the date fixed. Hence, recording the failure to comply with the condition, the court below has dismissed the petition filed under Section 311 of Cr.P.C.

2. The learned counsel appearing for the petitioner submits that due to Advocates' Boycott and leave of the concerned Judicial Magistrate costs could not be paid as per the directions of the trial Court passed on 05.07.2024.

3. The impugned order perused. As per the impugned order, the trial Court considering the petition filed under Section 311 of Cr.P.C to re-call P.W.1 and the endorsement made by the complainant's counsel, petitioner was allowed on condition to pay costs of Rs.500/- to the respondent/complainant on or before 11.07.2024, till 24.07.2024, costs was not paid. Therefore, recording the failure to comply with the condition, the Court below has dismissed the petition on 24.07.2024. No possible reasons given by the petitioner to set aside the order of the trial Court on 24.07.2024. Therefore, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

28.08.2024

Vv



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- To
1. The Fast Track Court Judicial Magistrate Level,
Dharmapuri
 2. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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