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CrI.O.P.No.24979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.24979 of 2024

Farasana Begam

... Petitioner

Vs.

Suresh Kumaran M

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to call for the records and set aside the order of dismissal in CrI.M.P.No.9313 of 2024 dated 29.08.2024 passed by the learned Judicial Magistrate Court No.III, Cuddalore and further order of extension of time for payments of cost in CrI.M.P.No.9313/2024 passed by the Learned Judicial Magistrate Court No.III, Cuddalore.

For Petitioner : Mr.P.Muthamizhselvakumar

ORDER

The petition filed to recall PW.1 to cross examine at the instance of the petitioner herein was allowed by the trial on condition that he shall pay the cost of Rs.1,000/-. The petitioner has failed to pay the costs and therefore, he lost the opportunity to recall PW.1 for cross examination. His application for extension of time was dismissed by the trial Court on



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29.08.2024. Hence the present petition is filed.

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2. The learned counsel appearing for the petitioner states that he may be given an opportunity to cross examine PW.1 on terms fixed by this Court or else the petitioner will be caused prejudice without cross examine the crucial witness PW.1, who is the complainant.

3. Considering the fact that though the opportunity was given to the petitioner to recall the witness on terms, has failed to pay the costs and lost the opportunity. If he need the opportunity to cross examine, he has to pay the additional costs. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay the costs of Rs.2,000/- to PW.1 on or before 23.10.2024. On such payment of costs PW.1 will be summoned for cross examination. The trial Court shall proceed further in accordance with law.

14.10.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Judicial Magistrate Court No.III, Cuddalore.



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Dr.G.JAYACHANDRAN,J.

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