



Crl.O.P.(MD)No.5622 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5622 of 2022

and

Crl.M.P.(MD)No.4003 of 2022

Manoharan

... Petitioner/SHO

Vs.

1.The Superintendent of Police cum
Drawing and Disbursing Officer,
Tenkasi District.

2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi Road, Tirunelveli.
(In Crime No.194 of 2011)

3.Attu Pulukkai @ Arunachalam

4.Puthiyaraj

5.Thangaraj

6.Muthusamy

7.Sivaperumal

8.Velammal

9.Nedunchezhiyan

10.Selvan



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11.Kathiresan

... Respondents 3 to 11/A1, A3 to A10

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records relating to the docket order dated 20.12.2021 made in S.C.No.586 of 2018 on the file of the learned Subordinate Judge, Sankarankovil and set aside the same as illegal.

For Petitioner : Mr.J.Karthikeyan
for Mr.R.Gandhi
Senior Counsel

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl. side) for R1 & R2

No Appearance for R3 to R11

ORDER

This Criminal Original Petition has been filed to set aside the docket order dated 20.12.2021 made in S.C.No.586 of 2018 on the file of the learned Subordinate Judge, Sankarankovil.

2.The petitioner is an Investigating Officer and for not producing the witness in time before the learned Subordinate Judge, Sankarankovil in S.C.No. 586 of 2018, the learned Judge imposed a cost of Rs.9,000/- to all the accused persons and also directed the authority to recover the same from the petitioner's salary. Challenging the same, the present petition is filed.



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3.The learned Senior Counsel appearing for the petitioner would submit that during the pendency of this petition, the main case itself ended in acquittal. However, the present petition is filed with regard to the cost imposed by the Trial Court.

4.Considering the facts and circumstances of the case and also considering the facts that the trial Court imposed the cost against the petitioner on the ground that the petitioner did not produce the witness on time, however, for non-producing the witnesses not only at the hands of the petitioner but also with the convenience of the other witness person and hence, the order of the trial Court imposed the cost against the petitioner, which is not sustainable.

5.In view of the above, the docket order passed by the learned Subordinate Judge, Sankarankovil in S.C.No.586 of 2018, dated 20.12.2021, is set aside and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

07.02.2024



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M.DHANDAPANI, J.

Sji

To

- 1.The Superintendent of Police cum
Drawing and Disbursing Officer,
Tenkasi District.
- 2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi Road, Tirunelveli.
- 3.The Subordinate Judge, Sankarankovil.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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