



CrI.O.P.(MD)No.5024 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**CrI.O.P.(MD)No.5024 of 2024**

S.Arumangalam

... Petitioner

versus

1. Sindhu

2. Minor Uthistriran

(Rep. by his mother and Natural  
Guardian Sindhu, 1<sup>st</sup> respondent)

... Respondents

Petition filed under Section 482 Cr.P.C. seeking to set aside the order passed by the learned Judicial Magistrate, Sankarankovil in CrI.M.P.No.7900 of 2023 in M.C.No.5 of 2022 dated 19.02.2024.

For Petitioner : Mr.M.Mohanasundaram

### **ORDER**

This Criminal Original Petition has been filed against the order passed by the learned Judicial Magistrate, Sankarankovil in



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CrI.M.P.No.7900 of 2023 in M.C.No.5 of 2022 dated 19.02.2024.

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2. The respondents herein, who are the wife and son of the petitioner, have filed a Maintenance Petition under Section 125 Cr.P.C., before the learned Judicial Magistrate, Sankarankovil, Tenkasi District, in M.C.No.5 of 2022. In the maintenance petition, the petitioner has filed a petition in CrI.M.P.No.7900 of 2023 to recall P.W.1. to mark the following documents:

- (i) Charge Sheet filed against the petitioner by AWPS, Sankarankovil, in Cr.No.7 of 2022;
- (ii) A Document dated 10.06.2023 from S.T.Joseph Metric Higher Secondary School, Sankarankovil that the petitioner has paid the school fee for the second respondent; and
- (iii) A letter said to have been written by the first respondent.

3. The learned Judicial Magistrate, Sankarankovil, by order dated 19.02.2024, while allowing the petitioner to mark the first and second



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documents, namely, (i) charge sheet in Cr.No.7 of 2023 filed by AWPS, Sankarankovil and (ii) a document dated 10.06.2023 from S.T.Joseph Metric Higher Secondary School, Sankarankovil, rejected the request of the petitioner to mark the 3<sup>rd</sup> document, namely, a letter said to have been written by the first respondent on the ground that there is no date in that letter, no proof to whom it was addressed, there is no pleadings to that effect in his counter affidavit and further, the petitioner has also cross examined P.W.1 for several hearings, however, he has not taken any such stand during the cross examination also.

4. The reasonings given by the learned Judicial Magistrate, Sankarankovil, in rejecting the request of the petitioner to mark the 3<sup>rd</sup> document appears to be correct. Therefore, this Court is not inclined to interfere with the order dated 19.02.2024 passed by the learned Judicial Magistrate, Sankarankovil.



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5. Accordingly, this Criminal Original Petition is dismissed.

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**01.04.2024**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The learned Judicial Magistrate,  
Sankarankovil.



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**B.PUGALENDHI, J.**

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**01.04.2024**