



Crl.M.P.(MD)No.7262 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.7262 of 2024

in

Crl.R.C.(MD)SR.No.2345 of 2023

K.M.C.STEPHEN

... PETITIONER/PETITIONER/
PETITIONER

Vs

1 THE PUBLIC PROSECUTOR
NAGERCOIL

2 T.THANISLAUS

... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to recall the order passed in Crl.MP (MD)No.8918/2023 in Crl.RC(MD)Sr.2345/2023 dt 27.06.2023 by this Hon'ble Court.

PRAYER IN Crl.R.C.(MD)SR.No.2345 of 2023:

To call for records to set set aside the judgment and conviction dated 26.08.2022 made in C.A.No.9 of 2010 on the file of the learned Additional District and Sessions Judge, Padmanabhapuram, by which confirming the judgment and conviction order in C.C.No.305 of 2006 on the file of the learned Judicial Magistrate, Padmanabhapuram, dated 21.01.2010 and acquit the petitioner/accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R. IYAPPAN, Advocate for the petitioner and of MR.P.KOTTAICHAMY, Government Advocate



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(Crl.side) on behalf of the Respondent No.1 and MR.EVN.SIVA, Advocate for the 2nd Respondent, the court made the following order:-

This criminal miscellaneous petition has been filed seeking orders to recall the order passed in Crl.M.P.(MD)No.8918 of 2023 in Crl.R.C.(MD)SR.No.2345 of 2023 dated 27.06.2023.

2.It is seen from the records that the petitioner has filed a petition in Crl.M.P.(MD)No.8918 of 2023 in Crl.R.C.(MD)SR.No.2345 of 2023 seeking extension of time for depositing a sum of Rs.1,00,000/- before the trial Court as ordered and that this Court, by observing that the petitioner has not complied with the orders, despite sufficient opportunities, dismissed the same.

3.The petitioner, subsequent to the filing of this petition, has deposited a sum of Rs.2,09,000/- before the trial Court. The learned Government Advocate(Crl.side) appearing for the first respondent and the counsel appearing for the second respondent would submit that they have no objection.

4.Considering the above and since the petitioner has deposited a sum of Rs.2,09,000/-, this Court is inclined to recall the order passed in Crl.M.P.(MD)



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No.8918 of 2023 in Crl.R.C.(MD)SR.No.2345 of 2023 dated 27.06.2023. Accordingly,
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this criminal miscellaneous petition is allowed and the Registry is directed to take the
revision on file, if it is otherwise in order and list the same before this Court on
28.08.2024.

sd/-
13/08/2024

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/08/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PADMANABHAPURAM,
- 2.THE JUDICIAL MAGISTRATE, PADMANABHAPURAM,
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 4.THE PUBLIC PROSECUTOR, NAGERCOIL

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CrI.M.P.(MD)No.7262 of 2024
in
CrI.R.C.(MD)SR.No.2345 of 2023
Date :13/08/2024

RK/VR (20/08/2024) 4P /6C

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