



Crl.O.P.(MD)No.6744 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.6744 of 2024
and
Crl.M.P.(MD)No.5154 of 2024

R.Marimuthu

... Petitioner

Vs.

A.Stanly Jeyakumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crl.M.P.No.8 of 2024 in S.T.C.No.126 of 2021, dated 03.03.2024, on the file of the learned Judicial Magistrate, Special Court for Exclusive Trial of cases under the Negotiable Instruments Act, Tirunelveli, Tirunelveli District and set aside the same.

For Petitioner : Mr.KA.Raamakrishnan

For Respondent : Mr.Aayiram K.Selvakumar

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed in Crl.M.P.No.8 of 2024 in S.T.C.No.126 of 2021, dated



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03.03.2024, on the file of the learned Judicial Magistrate, Special Court for Exclusive Trial of cases under the Negotiable Instruments Act, Tirunelveli, Tirunelveli District.

2. The petitioner/accused in a case filed under Section 138 of the Negotiable Instruments Act, 1881, by the respondent in S.T.C.No.126 of 2021, had filed a Petition under Section 311 of the Criminal Procedure Code (Cr.P.C.) in Crl.M.P.No.8 of 2024. The trial Court, by order dated 15.03.2024, allowed the petition, with a direction for the petitioner to pay Rs.1,000/- to the respondent (P.W.1).

3. The learned counsel for the petitioner submitted that the petitioner had previously met with an accident on 05.03.2024, sustained a fracture, and taken treatment at the Government Medical College Hospital in Thoothukudi. He was bandaged and was required to visit the hospital every third day, with a medical advice to avoid travel. Hence, the petitioner was unable to inform his counsel about his health condition prior to the trial Court's hearing. Subsequently, on 05.03.2024 the accident was registered as Crime No.24 of 2024.



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4. The learned counsel for the petitioner further submitted that the petitioner later filed a petition seeking an extension for the payment of costs. The trial Court, on 30.03.2024, after considering the petitioner's explanation and reasons, found that the petitioner had not paid the cost and was unwilling to accept the explanation. The trial Court dismissed the petition, which led to the present appeal.

5. The learned counsel for the respondent/complainant has fairly agreed that the petition may be allowed, subject to the condition that the petitioner cross-examine the witness on the next hearing date without requesting further adjournments. The respondent/complainant has also agreed to appear before the trial Court on **19.12.2024** without fail.

6. The learned counsel for the petitioner now undertakes to cross-examine the respondent on **19.12.2024**, without fail, and assures that no delay will be caused in the progress of S.T.C.No.126 of 2021.

7. In light of the above, the petitioner is directed to pay Rs.3,000/- as costs to the respondent on **19.12.2024**, when the respondent appears



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for cross-examination. The Criminal Original Petition is allowed accordingly. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

10.12.2024

Index : Yes / No

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Note:- Issue order copy on 11.12.2024.

To

The Judicial Magistrate,
Special Court for Exclusive Trial of cases under the Negotiable
Instruments Act,
Tirunelveli, Tirunelveli District.



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.6744 of 2024

Dated: 10.12.2024