



Crl.O.P.(MD)No.14791 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14791 of 2024
and
Crl.M.P.(MD)No.9240 of 2024

George Pernandus @ Sibin

... Petitioner

Vs.

The State represented by its
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(Crime No.242 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records and set aside the order dated 29.08.2024 made in
Crl.M.P.No.1 of 2024 in S.C.No.317 of 2023 on the file of the learned II
Additional Assistant Sessions Judge at Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Balaji Nivas

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



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ORDER

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The Criminal Original Petition is directed against the order passed in Crl.M.P.No.1 of 2024 in S.C.No.317 of 2023 dated 29.08.2024 on the file of the II Additional Assistant Sessions Court, Nagercoil.

2. The petitioner is facing the case in S.C.No.317 of 2023 for the offences under Sections 294(b), 332 and 506(2) IPC and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.

3. It is evident from the records that trial proceedings came to be issued scheduling trial from 06.06.2024 and as per the schedule, trial was commenced on 06.06.2024 and 8 witnesses came to be examined as P.W. 1 to P.W.8.

4. The main contention of the petitioner is that the petitioner's counsel had entered into appearance only on 06.06.2024 and hence, he was not able to cross-examine the witnesses on that day itself. Subsequently the petitioner has filed the above petition to recall P.W.1 to P.W.8 for cross-examination and the learned trial Judge, by giving one more opportunity to the accused to cross-examine the witnesses, has



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allowed the petition by imposing condition directing the petitioner to deposit Rs.2,500/- for each witnesses in addition to the batta.

5. The learned counsel appearing for the petitioner would submit that the petitioner is a coolie and he is not in a position to pay Rs.2,500/- for each of the witnesses.

6. Considering the facts and circumstances and also taking note of the submission made by the learned counsel appearing for the petitioner, the petitioner is directed to deposit Rs.1,500/- (Rupees One Thousand and Five Hundred only) for each of the witnesses in addition to the batta as directed by the concerned Court within a period of one week from the date of receipt of a copy of this order.

7. With the above modification, the Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

04.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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K.MURALI SHANKAR,J.

csn

To

- 1.The II Additional Assistant Sessions Judge at Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.14791 of 2024
and
Crl.M.P.(MD)No.9240 of 2024

Dated: 04.09.2024