

Crl.O.P.(MD)No.13957 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.13957 of 2025
and
Crl.M.P.(MD)No.11195 of 2025

Subbulakshmi

... Petitioner

versus

Selvam

... Respondent

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 21.07.2025 made in Crl.M.P.No.777 of 2025 in STC No.498 of 2024 on the file of the learned Judicial Magistrate (Fast Track Court at Magisterial Level), Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.S.Muthukumar

ORDER

The petitioner, who is the accused in S.T.C.No.498 of 2024, has filed a petition under Section 311 Cr.P.C. in Crl.M.P.No.777 of 2025 in STC No.498 of 2024, seeking to re-call P.W.1 for cross examination. The



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trial Court, by order dated 11.07.2025, allowed the said petition with cost of Rs.500/- to be paid by the petitioner on or before 21.07.2025. When the petition was taken up for consideration on 21.07.2025, the petitioner has not paid the cost amount as directed by the trial Court. Therefore, the trial Court, by its order dated 21.07.2025, dismissed the said petition. Challenging the same, the petitioner has filed this Criminal Original Petition.

2. The learned counsel appearing for the petitioner submits that once an order has been passed, the trial Court is not entitled to reverse the order as per the provisions under Section 403 BNSS.

3. It appears that the petition in Crl.M.P.No.777 of 2025 was allowed by the trial Court, by order dated 11.07.2025, with a cost of Rs.500/- to be paid by the petitioner on 21.07.2025. But, the petitioner has not paid the cost amount. Once the petitioner fails to comply the order by paying the amount as directed by the trial Court, the earlier order dated 11.07.2025 would automatically be vacated and hence, no further order is required. Therefore, this Court is not inclined to



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entertain this petition.

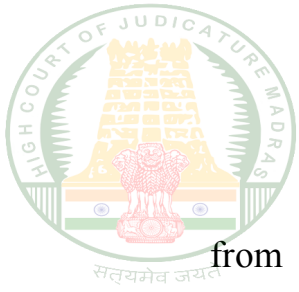
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4. The learned counsel appearing for the petitioner submits that it is the mistake of the advocate. Therefore, he seeks indulgence of this Court.

5. Considering the request made by the learned counsel for the petitioner, this Court is inclined to allow this petition with a condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand) to the respondent/complainant within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is allowed and the order passed by the Judicial Magistrate (Fast Track Court at Magisterial Level), Srivilliputtur, Virudhunagar District, in Crl.M.P.No.777 of 2025 in STC No.498 of 2024 dated 21.07.2025 is hereby set aside.

7. The petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand) to the respondent/complainant within a period of four weeks



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from the date of receipt of a copy of this order and file necessary application to recall the witnesses. The trial Court shall fix the date for cross examination of P.W.1. The petitioner is expected to cross examine P.W.1 on the day when he is present. In the event, if the petitioner fails to cross examine the witnesses on that day, the trial Court shall proceed with the available materials and pass suitable orders. Consequently, connected miscellaneous petition is closed.

22.08.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
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To

1. The learned Judicial Magistrate
(Fast Track Court at Magisterial Level),
Srivilliputhur, Virudhunagar District.



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B.PUGALENDHI, J.

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