

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 6710 of 2014 ()

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CC. NO.322/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KAYAMKULAM.**

CRIME NO. 90/2012 OF KAYAMKULAM POLICE STATION.

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PETITIONERS/ACCUSED 1 TO 3:

- 1. SHAJI, AGED 38 YEARS,
S/O.SAHADEVAN, KOLEDUTHU PADEETATHIL,
CHERAVALLY, NOW RESIDING AT NANDANAM VEETIL,
CHERAVALLY MURI, KAYAMKULAM VILLAGE.**
- 2. ANU, AGED 27 YEARS,
S/O.VISWANATHAN, KUTTIKKATTIL VAYALIL VEEDU,
CHERAVALLY, KAYAMKULAM.**
- 3. SATHEESH, AGED 29 YEARS,
S/O.SADASIVAN, KUTTIKATTU VAYALIL VEEDU,
CHERAVALLY, KAYAMKULAM.**

BY ADV. SRI.VINCENT JOSEPH.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 6710 of 2014

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1- TRUE COPY OF ORDER DATED 23.10.2014 IN
C.M.P.NO.6577/2014 IN C.C.NO.322/2012 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, KAYAMKULAM.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 6710 of 2015

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Dated this the 16th day of July, 2015

O R D E R

By Anx.A-1 order dated 23.10.2015, the Judicial First Class Magistrate's Court, Kayamkulam, had passed order on Crl.M.P. No.6577/2015 in C.C.No.322/2012, whereby the prayer of the petitioners herein, who are accused Nos.1 to 3 therein, to recall PW-1 was allowed, but with the condition that each one of the three accused concerned (A-1 to A-3) shall pay a cost of Rs.1,500/- each to PW-1 in order to compensate for his to and fro journey from Bombay. The petitioners' grievance is only that the condition to pay cost of Rs.1,500/- each may be deleted or may be appropriately modified by this Court, in the interest of justice.

2. Heard Sri.Vincent Joseph, the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. It can be seen that, considering the facts and circumstances of the case, the court below was convinced that

interest of justice demands that an opportunity should be given to accused Nos.1 to 3 to cross-examine PW-1 and for that purpose, it was ordered to recall the said witness, who is based in Bombay. True that the said witness should be sufficiently compensated so as to take care of his expenses for to and from journey from Bombay to Kayamkulam. Accordingly, it is ordered in the interest of justice that each of the petitioner shall pay cost of Rs.1,000/- each, totalling Rs.3,000/- without any further delay. The petitioners shall deposit the aforestated amount of Rs.3,000/- before the court below within a period of 15 days from today. The impugned condition to pay cost ordered in Anx.A-1 will stand modified to the above extent.

With these observations and directions, the CrI.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge