

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

Crl.O.P.No.4730 of 2016
and Crl.MP.No.2499 of 2016

1.K.Kalaiselvan

S/o.V.Kasi

R/o.No.10/2, MES Quarters,
Mathias Nagar, St.Thomas Mount,
Chennai - 16.

2.K.Mohanarangam

S/o.D.Kesavan

R/o.No.399, Type B,
TNHB, Chennai - 77.

... Petitioners/Petitioner/Accused 6
and 7

Vs

Union of India
CBI, SPE, Chennai

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the order dated 25.01.2016 in C.M.P.No.250 of 2016 in C.C.No.31 of 2010 on the file of the Hon'ble XI Additional Special Judge for CBI cases, Chennai.

For Petitioners : Mr.A.Deivasigamani

For Respondents : Mr.K.Srinivasan

Special Public Prosecutor (CBI) Cases

O R D E R

This Criminal Original Petition has been filed by the accused 6 and 7 seeking partial setting aside of the order dated 25.01.2016 passed in C.M.P.No.250 of 2016 in C.C.No.31 of 2010 on the file of the learned XI Additional Special Judge for CBI cases, Chennai.

2. The petitioner herein (accused 6 & 7) filed an application in C.M.P.No.250 of 2016 to recall PW12 and PW34 to cross examine on behalf of the petitioners. By the order dated

25.01.2016, the petitioners were directed to pay a sum of Rs.750/- each to PW12 and PW34 i.e., Rs.1500/- as cost and also to pay a sum of Rs.10,000/- to Chennai Legal Services Authority.

2.1. This order is under challenge before this Court.

3. Heard the learned counsel for the petitioners and the learned Special Public Prosecutor (CBI Cases) for the respondents.

4. It is contended by the learned counsel for the petitioners that the petitioners are suffering from financial crisis and are struggling to eke out their livelihood, because of the time, money and energy spent in defending themselves in this case from the year 2010, and therefore the order imposing the onerous condition of paying a sum of Rs.10,000/-Chennai Legal Services Authority must be set aside.

5.The learned Additional Public Prosecutor submitted that the conduct of the accused in wasting the time of the Court and public deserves to be compensated and therefore, the order imposing cost of Rs.10,000/- is justifiable.

5.1. No doubt this argument of the Additional Public Prosecutor is acceptable, but the fact remains that the petitioners herein filed the application without any delay and that they have been facing the prosecution for six years. Under such circumstances, balancing the interest of both sides would require not the cancellation of the order but the reduction in the quantum of amount payable to the Legal Services Authority. Ends of justice would be met if the amount is reduced from Rs.10,000/- to Rs.2,000/-, and it is reduced accordingly.

5.2. Excepting this reduction, in all other respects, the order dated 25.01.2016 passed in C.M.P.No.250 of 2016 in C.C.No.31 of 2010 on the file of the learned XI Additional Special Judge for CBI cases, Chennai, stands confirmed.

6. With the said modification, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The XI Additional Special Judge for CBI Cases,
Chennai.

2.Union of India
CBI, SPE, Chennai.

3.The Public Prosecutor (CBI Cases)
High Court, Madras.

4.The Secretary,
TamilNadu Legal Services Authority,
Chennai.

+1cc to M/S.A.Deivasigamani, Advocate Sr.13577

Cr1. O.P. No.4730 of 2016

ala(CO)
srg(03/03/2016)



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