

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

CrI.O.P. No.2657 of 2016

M.Qamarunisa

.. Petitioner

vs.

The State rep.by
The Deputy Superintendent of Police
Central Bureau of Investigation
Chennai.

.. Respondent

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure Code, to set aside the order of learned XIV Additional Special Judge for CBI cases at Chennai in CrI.M.P.No.8087 of 2015 in C.C.No.26 of 2013 dated 11.01.2016.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
for CBI cases

O R D E R

A3, viz., M.Qamarunisa in C.C.No.26 of 2013 on the file of the learned XIV Additional Special Judge [CBI Cases], Chennai aggrieved by the order of the Court dated 11.01.2016 passed under Section 311 Cr.P.C. directing her to deposit Rs.1,00,000/- as a condition to recall PW7 for her cross examination, this Criminal Original Petition has been filed.

2. Heard both sides.

3. Inasmuch as the expected witness PW7 has landed India, the petitioner is relieved off from the pangs of financing his to and fro trip from Amsterdam to CBI Court, Chennai.

4. As per Section 243(3) of Cr.P.C and Rule 406 of Criminal Rules of Practice, the Court can direct the accused to meet out only the expenses of the witness so summoned.

5. Since the witness has to come from Velachery, Chennai he shall be paid Rs.50/- for to and fro expenses and Rs.100/- towards subsistence allowance, totally Rs.150/-.

6. In the circumstances, the order of the learned XIV Additional Special Judge [CBI Cases], Chennai passed in CrI.M.P.No.8087 of 2015 in C.C.No.26 of 2013 dated 11.01.2016 is modified to the effect that the petitioner/A3 shall deposit in the trial court a sum of Rs.150/- [One hundred and fifty only] towards reasonable expenses of PW7 within three days from the date of receipt of a copy of this order.

7. The trial court shall examine PW7 on 02.03.2016 and his cross shall not be deferred. The prosecution will produce PW7 on the said date for his examination.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vj2

To

1. The XIV Additional Special Judge,
[CBI Cases],
Chennai.
2. The Deputy Superintendent of Police
CBI,
Chennai.
3. The Special Public Prosecutor,
[CBI Cases],
Chennai.

1 cc to Mr.C.D. Johnson, Advocate, Sr. 11536

CrI.O.P. No.2657 of 2016

RSY (CO)

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