

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.OP.No.8857/2017

Arunachalam @ Annamalai .. Petitioner

Versus

State by
The Inspector of Police
SPE:CBi:ACB, Chennai
Crime No.RC/22[A]/2010 .. Respondent

Petition filed under section 482 Cr.P.C., to set aside the order passed in Crl.MP.No.1303/2017 in CC.No.07/2012 dated 21.04.2017 on the file of the learned XI Additional Special Judge for CBI cases, Chennai as onerous in nature.

For Petitioner : Mr.S.Xavier Felix
For Respondent : Mr.K.Srinivasan, Spl.PP [CBI]

ORDER

The only ground on which, the present petition is filed is with respect to the payment of cost of Rs.15,000/- imposed by the Court below for permitting the petitioner to cross-examine the witnesses.

2 The learned counsel for the petitioner would submit that the condition imposed by the Court below is onerous. The petitioner is unable to comply with the said condition and therefore, the benefit of the order passed though is in favour of the petitioner, the petitioner is unable to make use of.

3 By the order aforesaid, the petitioner was permitted to cross-examine on payment of Rs.15,000/-. As submitted by the learned counsel for the petitioner, the said condition appears to be onerous. For a fair trial, all possible opportunities will have to be given to the accused. If he is unable to pay the amount and in that process, he is prevented from cross-examining the witnesses, the trial will not be fair.

4 In such view of the matter, the cost of Rs.15,000/- imposed by the Court below is reduced to a sum of Rs.5000/- [Rupees Five Thousand only]. The said amount will have to be paid before the Court below to the credit of CC.No.07/2012 on the date of the next hearing.

5 The Criminal Original Petition is ordered accordingly.

28.04.2017

NOTE: Issue order copy today [28.04.2017]

AP

To

1. The Inspector of Police
SPE: CBI: ACB, Chennai.
2. The Special Public Prosecutor
CBI Cases, High Court, Madras.

M.M.SUNDRESH, J.,

AP

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