



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2017

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P. (MD) No.19156 of 2016

1.Krishnan

2.Peer Mohamed

: Petitioners/Petitioners

-vs-

The Inspector of Police,
Mannur Circle,
Tirunelveli District.

: Respondent/Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of the Principal Assistant Session Judge, Tirunelveli, in Cr.M.P.No.198 of 2016 in Sessions Case No.359 of 2014, dated 01.09.2016.

For Petitioners : Mr.V.R.G.Mohan

For Respondent : Mr.K.Anbarasan
Government Advocate(Criminal side)

O R D E R

This petition has been filed to set aside the order of the Principal Assistant Session Judge, Tirunelveli, in Cr.M.P.No.198 of 2016 in S.C.No.359 of 2014, dated 01.09.2016.

2.The learned counsel appearing for the petitioners would submit that the petitioners filed petition under Section 311 Cr.P.C before the Principal Assistant Sessions Court to recall the witnesses PW1 to PW3 and permit the petitioners to cross examine them and that the petition was allowed directing the petitioners to deposit the witness Batta of Rs.63,800/- within 10 days, failing which the petition will stand dismissed and that admittedly, the petitioners have not deposited the said amount and now filed the present petition seeking the relief as stated above.

3.Per contra, the learned Government Advocate (Criminal side) would submit that the witnesses PW1 to PW3 now working in different places and they are eligible for first class fare and hence, the order of the trial court is reasonable and prayed for the dismissal of the petition.



4. Heard both sides and perused the materials available on record.

5. It is seen from the records that PW1 to PW3 are the senior officials of the Reserve Bank of India and now, they are working in different places of the country and they are eligible for first class fare. Considering the above aspect, the trial court has directed the petitioners to pay Batta of Rs.63,800/-, which according to this court, is very reasonable. If at all, after paying the witness Batta to the witnesses, any amount is available, the petitioners are entitled to get back the same. In view of the above circumstances, to give one more opportunity to the petitioners, this petition is liable to be allowed.

6. In the result, this petition is allowed on condition that the petitioners shall deposit the Witness Batta of Rs.63,800/- on or before 31.01.2017 before the trial court and on such deposit made by the petitioners, the trial court is directed to recall the witnesses for the purpose of cross examination according to law, failing which the order passed by this court shall stand recalled automatically without further reference to this court and this petition will stand dismissed.

Sd/-

Assistant Registrar (CS I)

/True Copy/

Sub Assistant Registrar

To,

1. The Inspector of Police,
Mannur Circle,
Tirunelveli District.

2. The Principal Assistant Session Judge,
Tirunelveli.

3. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. V. R. G. Mohan, Advocate in SR No. 3939

Cr1.O.P. (MD) No. 19156 of 2016
24.01.2017