

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.1046, 1047, 1048 & 1049 OF 2017

COMMON ORDER:

These Criminal Petitions, under Section 482 of the Code of Criminal Procedure (Cr.P.C), are filed challenging separate orders, dated 07.12.2016, passed in respective petitions filed by the petitioners herein under Section 311 of Cr.P.C., seeking to summon certain witnesses for the purpose of cross examination in Calender Cases viz., C.C.Nos.3144, 2649, 244 & 2632 of 2013 pending against them on the file of the II AJCJ-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur.

While allowing the aforestated petitions, the learned Magistrate imposed the condition of payment of costs of Rs.2,000/- to each witness and Rs.10,000/- to one A.Gopal Reddy, Assistant General Manager, State Bank of Mysore and directed to deposit the said costs on or before 09.12.2016.

Sri S.Syam Sunder Rao, learned counsel for the petitioners, would submit that the Calender Cases covered by these petitions are being taken up on the same day and, therefore, the learned Magistrate ought not to have imposed the onerous condition of payment of Rs.10,000/- to the said A.Gopal Reddy, Assistant General Manager, State Bank of Mysore, in each case, and, as such, seeks to reduce the same to 50% thereof.

Admittedly, the said A.Gopal Reddy is holding the position of the Assistant General Manager of State Bank of Mysore and working at Mysore presently. In fact, in matters of this nature, it is difficult to examine the arbitrariness in imposing such a condition. Even otherwise, since all these cases are being taken up on the same day, it would suffice if the condition to deposit Rs.10,000/- towards expenses of A.Gopal Reddy, is modified to that of Rs.8,000/- in each of these cases and the same is accordingly modified while maintaining direction given to deposit expenses so far as other witnesses are concerned.

With the above modification, these Criminal Petitions are partly allowed.

Miscellaneous applications, if any pending in these criminal petitions, stand closed.

07th February, 2017
v v

A. SHANKAR NARAYANA, J