



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.31521 of 2019 and
Crl.M.P.Nos.17271 & 17277 of 2019

K.Balasubramanian

... Petitioner/Accused No.2

Vs.

Union of India rep
by the Inspector of Police,
CBI / BSFC, Bangalore

... Respondent/Complainant

Prayer:- The Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records and set aside the order passed in Crl.M.P.No.2316/2019 in CC.No.7280 of 2013 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai

For Petitioner : Mr.K.P.Anantha Krishna

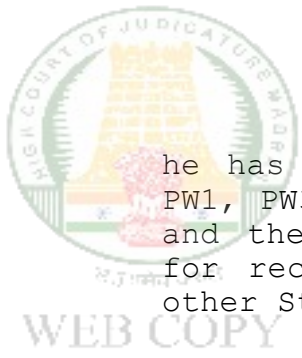
For Respondent : Mr.K.Srinivasan,
Special Government Pleader
for CBI cases

ORDER

Aggrieved over the order of the trial court dated 13.11.2019 passed in Crl.M.P.No.2316 of 2019 in C.C.No.7280 of 2013 filed under Section 311 of Cr.P.C to refuse to recall the witnesses, the present petition has been filed.

2.The learned counsel appearing for the petitioner submits that the petitioner and the other accused were originally charged for the offences under Sections 120(b) and 420 IPC, before the Additional Chief Metropolitan Magistrate, Egmore, Chennai in CC.No.7280 of 2013. Initially, single charge was framed as that of conspiracy for all other accused persons. Subsequently a separate charge was framed in respect of Section 420 of IPC alone and removed Section 120(b) in respect of company. Initially, cross examination was over and after altering of charge, the petitioner filed a petition under Section 311 of CrPC, however the same was rejected, against which the present criminal original petition has been filed.

3.He further submits that though the petitioner filed the recall petition for cross examination of 21 witnesses, however



he has restrained to cross examine only 11 witnesses, who are PW1, PW3, PW6, PW7, PW14, PW15, PW18, PW20, PW23, PW25 and PW27, and the petitioner also undertakes to pay the reasonable cost for recalling the prosecution witnesses, who will travel from other States.

4.The learned Special Public Prosecutor appearing for the respondents conceded the request made by the learned counsel appearing for the petitioner and on instruction further submitted that he will produce the schedule date for appearance of the prosecution witnesses before the court to enable the petitioner to cross examine all the witnesses on one day, which is extracted hereunder:

1	Chennai	PW's 3, 18, 20 and 23	Each Rs.1,000/-
2	Bangalore	PW's 1, 6, 7 & 14	Each Rs.5,000/-
3	Kolkata	PW 15	Rs.15,000/-
4	Rajasthan	PW 25	Rs.15,000/-

5.In view of the above, the petitioner is directed to cross examine the above witnesses on a particular day fixed by the lower court after paying their expenses as stated above. Accordingly, this criminal original petition is disposed of. The above said exercise has to be completed within 45 days. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Union of India, CBI / BSFC, Bangalore
- 2.The Public Prosecutor, High Court of Madras.

Akm/20.12.19 /2p-3c/

Cr1.OP.No.31521 of 2019