



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.01.2020

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THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.1027 of 2020

and

Crl.MP.No.629 of 2020

1.Milan Singh

2. Jeevitha

... Petitioners

Vs.

The State by
Inspector of Police,
CBCID, Krishnagiri District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order imposing the cost of Rs.50,000/- in Crl.Misc.Pet.No.632 of 2019 in S.C.No.99 of 2017 dated 22.11.2019 passed by the Sessions Judge, Fast Track Mahila Court, Krishnagiri.

For Petitioners :Mr.T.Panchatsaram

For Respondent :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed by accused Nos. 1 and 2 to set aside the order passed by the Sessions Judge, Fast Track Mahila Court, Krishnagiri in Crl.MP.No.632 of 2019 in S.C.No.99 of 2017 dated 22.11.2019.

2. The learned counsel for the petitioners has submitted that the petitioners are facing trial for the alleged offences under Sections 420, 302, 201, r/w34 of IPC. He further submitted that on the side of the prosecution, 68 witnesses were examined as P.Ws 1 to 68 and since on those days, the petitioners' counsel could not appear, those witnesses were not cross examined and hence, the petitioners have filed a petition under Section 311 of Cr.P.C in Crl.MP.No.632 of 2019 to re-call the aforesaid witnesses for the purpose of cross-examination. He further submitted that though the learned Sessions Judge has



allowed the said petition, she imposed condition that the petitioners shall deposit a sum of Rs.50,000/- towards expenses of the witnesses. He further submitted that the petitioners are poor and they are not able to pay such a huge amount and the said condition is onerous one and therefore, he prayed to set aside the said condition.

3. Per Contra, the learned Additional Public Prosecutor has submitted that the aforesaid witnesses came from different places of Tamilnadu. He further submitted that some of the witnesses came from Tirunelveli District and taking into consideration of the aforesaid facts, the trial court has rightly directed the petitioners to pay a sum of Rs.50,000/- towards expenses of the witnesses and in the said order, this Court need not interfere.

4. A perusal of the order passed by the learned Sessions Judge shows that on various dates PWs.1 to 68 were examined and on those days, the petitioners have not cross-examined the said witnesses. However, in order to give one more opportunity to the petitioners, the trial court has allowed the said application on condition that the petitioners shall deposit a sum of Rs.50,000/- towards expenses to the petitioners. Since some of the witnesses are native of Tirunelveli, they have to travel from Tirunelveli to Krishnagiri and they have to stay there for giving evidence.

5. Taking into consideration of the aforesaid facts, this Court is of the view that the trial court has rightly exercised its discretion and in the said discretion, this court does not want to interfere. Hence, this petition is liable to be dismissed. Accordingly, this petition is dismissed.

6. The learned counsel for the petitioners has made a request to extend the time for depositing the aforesaid amount. Considering his requests, it is ordered that the petitioners shall deposit a sum of Rs.50,000/- within a week from the date of receipt of a copy of this order and on such deposit, the trial court shall re-call the aforesaid witnesses to cross examine them. The petitioners are directed to cross examine the said witnesses on their appearance without seeking any further adjournment. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

1. The Inspector of Police,
CBCID, Krishnagiri District.

2. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.

3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.G.Punniakoti, Advocate sr.3768

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