

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.4380 of 2021

Balu @ Punku Balu,
S/o. Velu

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
K-4, Annanagar Police Station,
Chennai - 600 101.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to modify the condition No.1 "The petitioner/accused should deposit Rs.2,000/- for P.W.1 to P.W.5 each totally Rs.10,000/-" imposed in Crl.M.P.No.820 of 2020 in C.C.No.520 of 2013, dated 21.10.2020, by the V Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Ms.G.Nirmala

For Respondent : Mr.P.Krithika Kamal,
Govt Advocate(Crl.side)

O R D E R

(This case has been heard through video conference)

This Criminal Original petition has been filed to modify the condition No.1 imposed in Crl.M.P.No.820 of 2020 in C.C.No.520 of 2013, dated 21.10.2020, by the V Metropolitan Magistrate Court, Egmore, Chennai that "The petitioner/accused should deposit Rs.2,000/- for P.W.1 to P.W.5 each, totally Rs.10,000/-".

2.The application in Crl.MP.No.820 of 2020 was filed under Section 311 of Cr.P.C., seeking to recall P.W.1 to P.W.5 for cross examination in which, it had been stated that P.W.1 to P.W.5 were not cross examined since, some relevant documents were not available at the time of chief examination and that the learned V Metropolitan Magistrate had allowed the petition with

cost of Rs.2,000/- each for P.W.1 to P.W.5 each, in total Rs.10,000/-.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the offence as alleged by the prosecution and the petitioner's name was included without verifying the records. He would submit that pending trial, the petitioner had filed a petition in CrI.M.P.No.820 of 2020 under Section 311 of Cr.P.C. seeking to recall P.W.1 to P.W.5 for cross examination since, at the time of chief examination some relevant documents were not available and thereby, the P.W.1 to P.W.5 were not cross examined. The learned Magistrate had allowed the petition on imposition of certain conditions and one of the condition is that "that the petitioner is directed to deposit a sum of Rs.2,000/- for P.W.1 to P.W.5 each, totally Rs.10,000/-. The learned Counsel would further submit that the amount imposed by the Court's below is exorbitant and thereby, the present petition seeking to modify the said conditions has been filed.

4.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner has committed very serious offence and hence, the learned Magistrate has rightly imposed the above said conditions. Hence, he prays for dismissal of the petition.

5. Taking into consideration, the above facts and submissions of the learned Counsels, this Court is of the opinion that the learned Magistrate has rightly imposed conditions and that the amount imposed on the petitioner is very reasonable. Therefore, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The V Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
K-4, Annanagar Police Station,
Chennai - 600 101.

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3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.4380 of 2021

GMI (CO)
CB(01/07/2021)



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