



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4069 of 2022

Ashok Kumar @ Ashok Parmar

... Petitioner

Vs.

State rep. by
Inspector of Police,
C-1 Elephant Gate Police Station,
Chennai.

...Respondent

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Criminal M.P.No.9614 of 2021 in C.C.No.544 of 2012 and set aside the order passed in Crl.M.P.No.9614 of 2021 in C.C.No.544 of 2012 dated 02.12.2021 and direct the learned VIII Metropolitan Magistrate to fix the witness batta in accordance with law.

For Petitioner : Mr.S.M.D.Kassim

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Criminal M.P.No.9614 of 2021 in C.C.No.544 of 2012 and set aside the order passed in Crl.M.P.No.9614 of 2021 in C.C.No.544 of 2012 dated 2.12.2021 and direct the learned VIII Metropolitan Magistrate to fix the witness batta in accordance with law.

2. The learned counsel for the petitioner would submit that petitioner is A1, facing trial for offence under Section 420 of IPC in C.C.No.544 of 2012, pending on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai. The petitioner had filed the Crl.M.P.No.9614 of 2021 seeking to recall PW1 to PW8 for cross examination. The learned trial Judge by order dated 02.12.2021 had allowed the petition in respect of PW1, PW2 and PW4 to PW8 and the Trial Court has also directed the petitioner to pay costs of Rs.2000/- to each witnesses, on



their appearance, prior to their cross examination. He would further submit that the witnesses living within a distance of 2 Kilometers from the Trial Court and the Trial Court has imposed an exorbitant Costs of Rs.2000/- to each witnesses and the petitioner is unable to pay that amount due to his poverty. He would further submit that though there is some delay in cross examining the witnesses, the costs imposed is enormous and he would seek to set aside the order. He would further submit that the petitioner is prepared to pay a sum of Rs.1000/- as costs to each witness and the case is posted before the trial Court on 25.03.2022.

3. In view of the above, the petitioner is permitted to cross examine the witnesses on payment of costs of Rs.1000/- payable to each witness, on their appearance, prior to their cross examination. The petitioner shall deposit a sum of Rs.7000/- to the credit of C.C.No.544 of 2012, pending on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the learned Trial Judge shall issue summons to the witnesses who have been directed to be recalled.

4. With the above observations and directions, this criminal original petition stands disposed of.

Sd/-

Assistant Registrar

True Copy//

Sub Assistant Registrar

nti/sai

To:

1. The Inspector of Police,
C-1 Elephant Gate Police Station,
Chennai.
2. The VIII Metropolitan Magistrate,
George Town, Chennai.
3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.S.N.Hussainy, Advocate, S.R.No.11718

Cr1.O.P.No.4069 of 2022

MT[co]

NSK 09/03/2022