



Crl.OP.No.31244 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31244 of 2022

1. Viswanathan
2. Dinakaran

... Petitioners

Vs.

State Rep by,
Inspector of Police,
District Crime Branch,
Thiruvarur District.
Crime No.02 of 2000

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside and modify the order passed in Crl.M.P.No.6856 of 2022 by the learned Judicial Magistrate - I, Mannargudi, directing them to pay cost of Rs.10,000/- (Rupees Ten Thousand Only) to each of the witnesses P.W's 2,3,5,6,14 in C.C.No.108 of 2004 on the file of the Judicial Magistrate No.I, Mannargudi, Thiruvarur District.

For Petitioner

: Mr.Swami Subramanian

For Respondent

: Mr.S. Santhosh
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to set aside and modify the order passed in Crl.M.P.No.6856 of 2022 by the learned Judicial Magistrate - I, Mannargudi, directing the petitioners to pay a cost of Rs.10,000/- (Rupees Ten Thousand Only) to each of the witnesses *P.W's 2,3,5,6,14* in C.C.No.108 of 2004 on the file of the Judicial Magistrate No.I, Mannargudi, Thiruvarur District.

2. It is seen from the submission of the learned counsel for the petitioner that the Cross Examination of *P.W's 2,3,5,6,14* was done in the year 2006. The recall petition under Section 311 of Cr.P.C in Crl.M.P.No.6856 of 2022 was filed only in the year 2022 for the purpose of Cross Examination.

3. The Hon'ble Supreme Court of India and this Hon'ble High Court in many cases held that the Cross Examination should be completed on the same day when the witnesses were examined.



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4. Therefore, this Court finds no merits to interfere with the order passed in Crl.M.P.No.6856 of 2022 on the file of the learned Judicial Magistrate-I, Mannargudi directing the petitioners to pay a costs to recall the PW's (2,3,5,6 & 14) for the purpose of Cross Examination. However, considering the submission of the learned counsel for the petitioners that the petitioners are not able to pay costs at Rs.10,000/- each to these witnesses, **the cost is reduced to Rs.2,500/- each to PW2, PW3, PW5, PW6 and PW14.** Accordingly, the orders of the learned Judicial Magistrate No.1, Mannargudi is modified. The Cross Examination should be completed on the same day the witness(es) is/are produced.

5. With the above observations and directions, this Criminal Original Petition is disposed of.

19.12.2022

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
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G.CHANDRASEKHARAN,J.

Sma

To.

1. Judicial Magistrate - I,
Mannargudi
2. Inspector of Police,
District Crime Branch,
Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras.

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