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Crl. M.P.No. 5146 of 2023
in
Crl. O.P. No. 21963 of 2019

SUNDER MOHAN. J,

The petition is filed to direct the 1st and 2nd respondents to pay actual travel expenses of Rs.4,69,993/- (8173.79 Australian Dollar) incurred by the petitioner herein to travel from Australia to India to depose in C.C.No.397 of 2013. The petitioner had filed this application based on the orders passed by this Court in Crl.O.P.No.21963 of 2019. This Court had passed the following order in the said Criminal Original Petition:

“6.The cross examination of the aforesaid witnesses shall be completed within a period of two weeks from the date of such application to be made by the petitioner. The petitioner shall also bear the expenses for summoning these witnesses, which amount shall be determined by the Court below, while passing an order on the petitioner's application under Section 311 Cr.P.C.”



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2. It is seen from the order that the respondent herein, namely, K.V.Suresh Kumar has to bear the expenses, which shall be determined by the Trial Court. It is not known as to what is the amount determined by the Trial Court and whether the respondent herein had already paid the amount determined by the Trial Court. Therefore, it is just and proper that the petitioner approaches the Trial Court for claiming the expenses incurred by him to travel from Australia to India to depose in C.C.No.397 of 2013.

3. In view of the above, the petition is dismissed with liberty to the petitioner to file an application before the Trial Court.

4. The Trial Court shall consider the said application as expeditiously possible.

20.04.2023

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