



Crl.O.P.No.16825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16825 of 2023
and Crl.M.P.No.10828 of 2023**

B.Gopinath

.. Petitioner

Versus

Krishnamoorthi

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition order dated 26.06.2023 made in Crl.M.P.No.2737 of 2023 in S.T.C.No.367 of 2022 on the file of the learned Judicial Magistrate, Gingee by allowing this Criminal Original Petition.

For Petitioner : Mr.C.Munusamy

ORDER

This petition has been filed challenging the order passed by the Court below insofar as imposing the condition of payment of cost of a sum of Rs.7,500/- to P.W.1 for recalling and cross-examining him.

2. The petitioner is facing trial for the offence under Section 138 of the Negotiable Instruments Act, 1881. The respondent examined himself as



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P.W.1 on 10.02.2023. Since he was not cross-examined, his evidence was closed. The petitioner filed an application under Section 311 of Cr.P.C., to recall P.W.1 for cross-examination. The respondent did not have any objection in the application filed by the petitioner. The Court below while allowing the application imposed a cost of Rs.7,500/- payable to P.W.1. Aggrieved by the fixation of the cost by the Court below, the present Criminal Original Petition is filed.

3. Taking into consideration the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below and there shall be a direction to the petitioner to pay a cost of Rs.750/- to the respondent when P.W.1 comes to the witness box for cross-examination.

4. This Criminal Original Petition is allowed to the extent indicated herein above. Consequently, connected miscellaneous petition is closed.

27.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note : Issue order copy on 28.07.2023.



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To
The Judicial Magistrate, Gingee.



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N.ANAND VENKATESH, J.
grs

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