



Crl.O.P.(MD) No.18821 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.18821 of 2023

Rajendiran

...Petitioner / Respondent

Vs.

The State rep. by,
The Inspector of Police,
DCB,
Thanjavur.
(In Crime No.34 of 2016)

...Respondent / Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the Condition No.1 in the order passed by the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur on 24.08.2023 in Crl.M.P. No.3246 of 2023 in C.C. No.226 of 2018 as illegal and further direct the learned Judicial Magistrate to recall the witnesses as per the order in Crl.M.P. No.3246 of 2023 in C.C. No. 226 of 2018 dated 24.08.2023.

For Petitioner	:Mr.R.L.Dhilipan Pandian
For Respondent	:Mr.M.Vaikkam Karunanithi
	Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed to set aside the Condition No. 1 in the order passed by the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur on 24.08.2023 in Crl.M.P. No.3246 of 2023 in C.C. No.226 of 2018 as illegal and further direct the learned Judicial Magistrate to recall the witnesses as per the order in Crl.M.P. No.3246 of 2023 in C.C. No.226 of 2018 dated 24.08.2023.

2. Aggrieved over the cost that was imposed upon the petitioner to be paid to the witnesses PW1 to PW6, this petition has been filed. While entertaining the above said application and allowing recall of PW1 and other witnesses a cost of Rs.10,000/- has been imposed in respect of PW1, Rs.3,000/- to PW2 and Rs.2,000/- to PW3 and Rs.3,000/- each to the PW4 to PW6, considering the oldness of the crime as well as considering the oldness of the trial process. According to the petitioner, he is a daily coolie worker and he is not in position to comply the same.

3. In view of the submissions made by the learned counsel for the petitioner



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and considering the oldness of the matter, the above said amount is reduced to Rs. 2,000/- to each of the witnesses. With the above said modification, this petition stands disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

19.10.2023

TM

To

- 1.The Judicial Magistrate No.II, Kumbakonam.
- 2.The Inspector of Police,
DCB, Thanjavur.
(In Crime No.34 of 2016)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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