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Crl.O.P.No.6709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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

Crl.O.P.No.6709 of 2024

Rajendran

... Petitioner

Vs.

The Inspector of Police,
Vigilance and Anti-Corruption,
Kancheepuram.
(Crime No.12/AC/2013)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to modify the order to the extent of imposing Rs.5000/- for each witness passed by the learned Special Judge and Chief Judicial Magistrate, Chengalpet in Crl.M.P.No.507 of 2024 in Special Case No.06 of 2014 dated 16.02.2024.

For Petitioner : Mr.P.Ezhilnilavan

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)



Crl.O.P.No.6709 of 2024

ORDER

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The Criminal Original Petition has been filed seeking to modify the order to the extent of imposing Rs.5000/- for each witness passed by the learned Special Judge and Chief Judicial Magistrate, Chengalpet in Crl.M.P.No.507 of 2024 in Special Case No.06 of 2014 dated 16.02.2024.

2. Learned counsel for the petitioner submitted that though there had been a delay on the side of the petitioner/accused in recalling the witnesses, the trial Court was pleased to order a recall of witnesses, however, imposed a condition to pay a sum of Rs.5000/- to each witness i.e. PW2 to PW13. He further submitted that all the witnesses hail from Kancheepuram and in such circumstances, imposing a cost of Rs.5000/- for each witness is onerous and exorbitant. Thereby, he sought to modify the condition in respect of the cost alone.

3. He further submitted that all the witnesses are directed to appear before the trial Court on 15.04.2024, and the petitioner undertakes that he will cross examine all the witnesses on the same day of their appearance. He also submitted that the petitioner is ready to deposit a sum of Rs.2000/- for each witness,



Crl.O.P.No.6709 of 2024

thereby, he only seeks that the condition to pay Rs.5000/- to each witness may be modified.

4. Learned Government Advocate (Criminal Side) submitted that the trial Court had allowed the petition seeking to recall the witnesses under Section 311 Cr.P.C. by imposing a cost of Rs.5000/- for each witness. He further submitted that the case in Special Case No.06 of 2014 stands posted on 15.04.2024. He also submitted that all the witnesses hail from Kancheepuram.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

6. A perusal of records shows that the trial Court, while allowing the petition filed by the petitioner under Section 311 Cr.P.C., seeking to recall the witnesses PW2 to PW13, had imposed a cost of Rs.5000/- to be paid for each witness, who hail from Kancheepuram. This Court is of the opinion that the condition imposed directing the petitioner to pay Rs.5000/- for each witness, who



Crl.O.P.No.6709 of 2024

are residents of Kancheepuram, is onerous.

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7. Accordingly, the Criminal Original Petition stands ordered and thereby, the condition is modified to the effect that each of the petitioner shall be paid with Rs.2000/- and the total amount shall be deposited before the trial Court on or before 01.04.2024.

8. It is made clear that the witnesses shall be cross examined by the petitioner on the same day of their appearance before the trial Court and if the petitioner fails to cross examine them, he shall lose the chance of cross examination and he shall not be afforded any further chance.

21.03.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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Note : Issue order copy today (21.03.2024)



Crl.O.P.No.6709 of 2024

To

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1. The Special Judge and Chief Judicial Magistrate,
Chengalpet.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Kancheepuram.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6709 of 2024

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.6709 of 2024

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