



CrI.O.P.No.28003 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.28003 of 2024

Rajapandian

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to modify the condition imposed in the
order dated 27/01/2023 passed in CrI.M.P.No.710/2022 in S.C.No.12/2020
by the Additional District Judge, Mayiladuthurai/Now District and Sessions
Judge, Mayiladhurai, directing that the petitioner/accused to deposit of
Rs.7,000/- into the Court towards witness batta for PW1 to PW7 on or
before 06/02/2023 and further directed to the Trial Court, to recall witness
of the PW1 to PW7 to enable the petitioner/accused for cross examination of
the same.



For Petitioner : Mr.K.Kalimuthu
For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the learned Additional District Judge, Mayiladuthurai in CrI.M.P.No.710 of 2022 in S.C.No.12 of 2020 directing the petitioner to deposit Rs.7,000/- towards witness batta for PW1 to PW7.

2.The learned counsel for the petitioner would submit that the petitioner is a man of no means and in fact a Counsel was appointed to defend through the Legal Services Authority; and that the condition to deposit Rs.7,000/- towards witness batta is onerous and in effect, deny the petitioner's right of cross examining the witnesses.

3.The learned Additional Public Prosecutor *per contra* would submit that it is a fact that the petitioner is defended by a Legal Aid Counsel before the Trial Court.



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4.In view of the above, this Court is of the view that since the petitioner does not have means, he cannot be denied the right to cross examine the witnesses for non payment of sum of Rs.7,000/-. Hence, the condition imposed by the learned Additional District Judge, Mayiladuthurai in CrI.M.P.No.710 of 2022 in S.C.No.12 of 2020 on 27.01.2023 directing the petitioner to deposit Rs.7,000/- alone is set aside.

5.Accordingly, this Criminal Original Petition is ordered.

08.11.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

1.The Additional District Judge,
Mayiladuthurai.

2.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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