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CRL.O.P.No.28813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.28813 of 2024

Ubaiadhulla

... Petitioner/Accused

Vs.

State Represented by
The Inspector of Police,
Central Bureau of Investigation,
CBI/EOB, Chennai.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. Act, 2023, to set aside the order dated 23.10.2024 in CrI.M.P.No.63715 of 2024 in C.C.No.1018 of 2020 in respect of the condition of payment of Batta amount of Rs.26,000/- in the account of the Court on or before 18.11.2024, passed by the learned Additional Chief Metropolitan Magistrate, Egmore.

For Petitioner : Mr.R.Vijayaraghavan

For Respondents : Mr.B.Mohan
Special Public Prosecutor (CBI)



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ORDER

The present petition has been filed to set aside the order of the learned Additional Chief Metropolitan Magistrate Egmore made in Crl.M.P.No.63715 of 2024, filed by the accused for recalling P.W.1 to P.W.8.

2. P.W.1 to P.W.8 were examined between 2020 and 2024. This Court understands that the accused has not even filed a petition to defer cross examination of the witnesses. It is in this circumstances, when the petitioner took out Crl.M.P.No.63715 of 2024 under Section 311 of Cr.P.C., to recall these witnesses, the Trial Court allowed the same but slapped a cost of Rs.26,000/-. This Revision is now directed against the costs / quashing of the impugned order.

3. Heard the learned counsel for the petitioner, as well as the learned Special Public Prosecutor for the respondent.



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4. This Court finds that the cost imposed on the petitioner can be modified, but not to the extent of encouraging the petitioner engaging in similar tactics in future. Therefore, this Court reduces the cost imposed by the Trial Court from Rs.26,000/- to Rs.20,000/-, and the money shall be deposited by the petitioner on or before 04.12.2024, before he applies for witness summons.

5. The Trial Court is also further directed that each of the witness is paid Rs.2,500/- on the date they appear. It is further underscored that if the petitioner does not cross examine any witnesses who appears, then, subject to any *force majeure* or *vis majeure* event, the petitioner shall cross examine the witness on the same date, and if he fails, his opportunity to cross examine the witnesses shall stand forfeited.

6. Accordingly, this Criminal Original Petitions stands partly allowed.

25.11.2024

Anu

Index : Yes / No

Neutral Citation

Note: Issue order copy on 25.11.2024



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N.SESHASAYEE, J.

Anu

To

1.The Additional Chief Metropolitan Magistrate Egmore

2.The Inspector of Police,
Central Bureau of Investigation,
CBI/EOB, Chennai.

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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