



Crl.O.P.No.16537 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.16537 of 2025 &
Crl.M.P.No.10341 of 2025

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U.Lavanya

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch, Team-I,
Vepery, Chennai - 600 007.

.. Respondent

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crl.M.P.No.6882 of 2025 in C.C.No.2435 of 2017, on the file of Exclusive Trial for CCB & CBCID, Metropolitan Magistrate, Egmore, dated 26.05.2025.

For petitioner : Mr.S.Kannan

For respondent: Mr.C.E.Pratap
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed challenging the condition imposed by the learned Metropolitan Magistrate, Exclusive Trial Court for CCB & CBCID Cases, Egmore, in Crl.M.P.No.6882 of 2025 in C.C.No.2435 of 2017, dated 26.05.2025, wherein the learned Magistrate directed the petitioner to deposit



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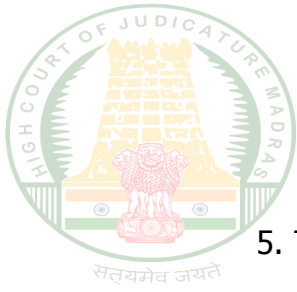
Rs.5,000/- for each of the prosecution witnesses (P.W.1 to P.W.7) as a precondition

to recall them under Section 311 Cr.P.C.

2. The brief facts are that the petitioner/accused is facing trial for offences under Sections 408, 420, 477-A, 482 r/w 34 IPC. The prosecution had examined P.W.1 on 15.10.2019, P.W.2 and P.W.3 on 27.02.2020, and P.W.4 to P.W.7 on 15.04.2025. However, the petitioner did not cross-examine the witnesses at the relevant time and later filed an application under Section 311 Cr.P.C. to recall all seven witnesses.

3. The trial Court, in the interest of justice and in order to provide an opportunity to the petitioner to cross-examine the witnesses, allowed the recall petition on condition that the petitioner deposits a sum of Rs.5,000/- per witness, totalling Rs.35,000/- towards witness batta.

4. Aggrieved by the said condition, the petitioner has approached this Court contending that she is unemployed and from a poor background and that the amount imposed is excessive and beyond her financial means.



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5. This Court is of the view that while the trial Court was justified in imposing a condition for recall of witnesses in the interest of justice, the quantum of Rs.35,000/- as witness batta appears to be on the higher side, particularly considering the petitioner's financial status and inability to pay the said amount. Accordingly, while affirming the order of the trial Court permitting recall of witnesses, the condition imposed for payment of Rs.5,000/- per witness is modified. The petitioner is directed to pay Rs.1,000/- per witness, totalling Rs.7,000/-, at the time of filing process for summoning P.W.1 to P.W.7. The rest of the order shall remain unaltered.

6. With the above modification, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

10.06.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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WEB COPY

1. The The Inspector of Police,
Central Crime Branch, Team-I,
Vepery, Chennai - 600 007.
2. The Exclusive Trial for CCB & CBCID, Metropolitan Magistrate, Egmore,
3. The Public Prosecutor, Madras High Court, Chennai.



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