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CrI.O.P.No.29387 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.29387 of 2025

and

CrI.M.P.No.20000 of 2025

1.M/s.Chennai Sree Andal Kuries (Chits) Pvt. Limited
No.1424, Poompugar Nagar 23rd Street
Kolathur, Chennai – 600 099

2. M/s.Sree Andal Foundation Pvt. Limited
No.1424, Poompugar Nagar 23rd Street
Kolathur, Chennai – 600 099

3. M.Jayakumar

4. K.Chandrasekaran

5. M.Bharathraj

6. M.Andal

7. J.Sumathi

... Petitioners

Vs.

State represented by
The Inspector of Police
Economic Offences Wing-II
Guindy, Chennai - 32

... Respondent

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S. to modify and partly set aside the orders with respect to the cost imposed in the order dated 20.09.2025 passed in CrI.M.P.No.453 of 2025 in C.C.No.5 of 2017 on the file of the learned Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai.



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Crl.O.P.No.29387 of 2025

For Petitioners : Mr.A.Kalimuthu
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to modify and partly set aside the order with respect to the cost imposed in Crl.M.P.No.453 of 2025 dated 20.09.2025 in C.C.No.5 of 2017, on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai.

2. The learned counsel for the petitioners would submit that the petitioners are facing trial in C.C.No.5 of 2017. There are totally 10 witnesses in this case and out of them, P.W.1 was cross examined by the defence counsel. However, due to unavoidable circumstances, the defence counsel could not appear before the Court on the dates of examination of P.W.2 to P.W.10 and cross examine them. Therefore, the petitioner had filed a petition in Crl.M.P.No.453 of 2025 before the trial Court invoking Section 311 Cr.P.C. to reopen and recall the witnesses P.W.2 to P.W.10 and P.W.1 for further examination. The learned trial Judge, ordered the same on payment of cash batta of Rs.5,000/- to each of the witnesses. The grievance of the petitioners is that the cash batta of Rs.5,000/- to each witness, is on the higher side. Thereby, the present petition is filed seeking modification



of the order in respect of cash batta alone.

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3. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the case now stands posted on 04.11.2025 for questioning of the accused. However, he submitted that the respondent police are ready to recall and produce the witnesses on the dates as may be fixed by the trial Court.

4. It is seen that totally 10 witnesses have been ordered to be recalled. The payment of cash batta of Rs.5,000/- to each witness seems to be on the higher side.

5. In view of the above, the impugned order dated 20.09.2025 in Crl.M.P.No.453 of 2025, is modified to the effect that the prosecution witnesses namely P.W.1 to P.W.10 are ordered to be recalled on payment of cash batta of Rs.3,000/- to each witness (In total Rs.30,000/-) .

6. The petitioners are directed to deposit Rs.30,000/- (Rupees Thirty Thousand Only) before the trial Court on or before 04.11.2025. On such deposit, the learned trial Judge shall issue summons to the said witnesses fixing a date for appearance and on that day, the witnesses will be cross examined. If the petitioners fail to deposit the said amount on or before 04.11.2025, this order shall stand cancelled automatically and the learned trial Court shall proceed with the trial in accordance with law.



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7. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

30.10.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue Order Copy on 30.10.2025.



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To

1.The Special Judge

The Special Court under the Tamil Nadu Protection
of Interest of Depositors (in Financial Establishment) Act,
Chennai

2. The Inspector of Police

Economic Offences Wing-II
Guindy, Chennai - 32

3. The Public Prosecutor

High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.
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