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CRL OP No. 28621 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 28621 of 2025

1. Jitha Maria Fathima
W/o. Christopher, No.4/63, 4th Street,
Kaviyarasu Kannadasan Nagar,
Kodungaiyur, Chennai-118.

Petitioner(s)

Vs

1. The State by Inspector of Police
Central Crime Branch, LFIW-1,
Gamma-3, Veperiy, Chennai.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to modify the order passed by the Court of the MM, for exclusive trial of Central Crime Branch, (relating to Cheating cases in Chennai and CBCID, Metro Cases, Egmore, Chennai-08 in Crl.M.P.No.13872 of 2025, in C.C.No.5690 of 2023, dated 07.10.2025 in so far as imposing of the cost is concerned.

For Petitioner(s): V.Sairam



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For Respondent(s): Mr.R.Vinodh Raja,
Government Advocate [Crl.Side]

ORDER

Challenging the cost imposed by the trial in a petition filed by the petitioner under section 311 of Cr.P.C., the present Criminal Original Petition has been filed.

2. Initially the petitioner had filed a petition under section 311 of Cr.P.C. for summoning the document in CrI.M.P.No.18 of 2025 and the same has been dismissed by the trial Court. Challenging the same, the petitioner had filed a petition in CrI.O.P.No.22975 of 2025 before this Court. This Court, while disposing the petition had held that if the petitioner wants to examine the document, he can very well summon the witness to produce the document. Pursuant to the said Order, the petitioner had filed a petition under section 311 of Cr.P.C. to summon the witness, namely the Manger/Secretary of Thiruvallur Consumer Co-operative Society [XNC634] before the trial Court. The trial



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Court while allowing the petition, imposed a cost of Rs.20,000/- payable to the Court and a sum of Rs.5000/- payable to the witness. The only grievance of the petitioner is that the petitioner had filed the petition as per the observations made by this Court. Whereas, the trial Court has imposed a cost of Rs.20000/- payable to the Court, which is onerous. Challenging the said Order, the present petition has been filed.

3. The trial Court having allowed the petition had imposed a cost of Rs.5000/- payable to the witness, ought not have directed the petitioner to pay a sum of Rs.20,000/- to the Court.

4. Considering the facts and circumstances of the case, this Criminal Original Petition is partly allowed and the cost of Rs.20,0000/- [Rupees Twenty thousand only] Ordered by the trial Court in CrI.M.P.No.13872 of 2025 in C.C.No.5690 of 2023 alone is set aside and as far as the cost of Rs.5000/- [Rupees five thousand only] payable to the witness stands confirmed. The



petitioner shall pay the cost of Rs.5000/- to the witness as Ordered by the trial Court.

17-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Metropolitan Magistrate,
for exclusive trial of Central Crime Branch,
(relating to Cheating cases in Chennai and
CBCID, Metro Cases, Egmore, Chennai-08

2. The Inspector of Police
Central Crime Branch, LFIW-1,
Gamma-3, Vepery, Chennai.

3. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR J.

vrc

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