



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15816 of 2026

1. Periyamayagasamy
2. Rajarathinam
3. Messlyn
4. Jayapriya
5. Arputha Mary

..Petitioner(s)

Vs

The State Rep. by
E-1, Mylapore Police Station,
(Law and Order)
Mylapore,
Chennai-04.
Crime No.306/2023

..Respondent(s)

To set aside the condition of payment of cost of Rs.2,500 to each of the witness (PW1 to PW3) imposed in the order dated 01-12-2025 made in Crl M.P. No.9291 of 2025 in C.C. No.2276 of 2024 on the file of the 18th Metropolitan Magistrate Court, Saidapet, Chennai and pass such further order or orders as this Honorable Court.

For Petitioner(s): Mr.M.Neelakandan

For Respondent(s): Mr.A.Amarnath,
Government Advocate (Crl. Side)



ORDER

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The petitioners/accused, who are facing trial in C.C.No.2276 of 2026, for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, filed a petition to recall PW1 to PW3 in Crl M.P. No.9291 of 2025. The Trial Court by order dated 01.12.2025, allowed the petition subject to payment of costs of Rs.2,500/-. Challenging the imposition of costs, the present petition has been filed.

2. The contention of the petitioners is that on 05.05.2025, when PW1 to PW3 were examined, a pen drive alleged to have containing photographs of the occurrence and other details, was produced by PW1. Despite objection made by the petitioners and in the absence of a certificate under Section 65B of the Indian Evidence Act, the same were marked. Further, the pen drive did not form part of the final report and no copy has been given to the petitioners. Since the petitioners were not aware of the contents in the pen drive, they were handicapped in effectively cross-examining the witnesses and putting forth their defence. Therefore, they filed a petition to recall PWs.1 to 3. However, while allowing the petition, the Trial Court imposed costs of Rs.2,500/- payable to each of the witnesses, which is arbitrary.



3. The learned Government Advocate (Crl. Side) submitted that the pen drive was produced by PW1 at the time of cross-examination and was not a material object filed along with the final report.

4. In view of the above, it is evident that the pen drive was produced by PW1 at the time of examination. Introducing a new material object during trial, without furnishing copies to the accused and without supporting the same with a certificate under Section 65B of the Evidence Act, and expecting the accused counsel to cross-examine the witnesses immediately, is not proper. Therefore, this Court is of the view that imposition of costs is unwarranted. Accordingly, the imposing costs is set aside and PWs.1 to 3 are permitted to be recalled for further cross-examination. Accordingly, this Criminal Original Petition is disposed of.

24-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To

1. 18th Metropolitan Magistrate Court, Saidapet, Chennai
2. E-1, Mylapore Police Station, (Law and Order). Mylapore, Chennai-04. Crime No.306/2023
3. The Public Prosecutor, High Court, Madras.



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M.NIRMAL KUMAR, J.

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