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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.13738 of 2026

Amjath Kan Gori

... Petitioner

Vs

The Deputy Superintendent Of Police,
Economic Offence Wing II,
Madurai. Crime No.3/2011.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to direct the learned II Additional District Judge (CBI Cases), Madurai to entertain number and consider the petition under section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking absence of personal appearance of petitioner in CC No.06 of 2019 on its own merits and in accordance with law.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.P.Samuel Gunasingh
Government Advocate (Crl.Side)

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ORDER

The present petition has been filed by the second accused in CC No.06 of 2019 on the file of II Additional District Judge (CBI Cases), Madurai, seeking a direction to taccept the application filed under Section 355 of the BNSS, seeking absence of personal appearance of petitioner.

2.The petitioner herein, who is charged with the offence under Sections 406, 420 r/w Section 120-B IPC and Section 5 of Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

3.The petitioner was initially granted bail by this Court in Crl.OP(MD) No.21291 of 2025 on 04.02.2026 with a condition that he should appear before the learned II Additional District Court, Madurai daily at 10:30 AM and on all hearing dates until further orders. The said condition imposed by this Court was relaxed by an order, dated 29.04.2026 in Crl.M.P.(MD) No.9018 of 2026 to the effect that the petitioner should appear before the trial Court on the first working day of every English calendar month at 10:30 AM until further orders. It is not in dispute that the petitioner is complying with the said order without any deviation.

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4.The grievance of the petitioner is that whenever an application is filed under Section 355 of BNSS., it is being returned by the concerned Court on the ground that there is a direction to conduct the trial on a day-to-day basis and therefore, the petitioner has to appear on every date of hearing. In the light of the above said facts, the present petition has been filed.

5.According to the learned counsel appearing for the petitioner, as on today, a discharge petition filed by a co-accused is pending and there is no effective hearing. On all the effective hearing dates he would appear but on the other formal days, he may be permitted to represent through his Counsel by filing an application under section 355 of BNSS.

6.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner should be directed to appear in person on the date of framing of charges, recording of evidence, examination under section 351(1)(b) BNSS (313(1)(b) Cr.P.C.,) and on the date of pronouncement of judgment.

7.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

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8.The bail conditions imposed by this Court would have nothing to do with the day-to-day hearing before the trial Court. In such circumstances, the trial Court is directed to accept the application filed under Section 355 of BNSS., on formal hearing dates. But the trial Court can insist the personal appearance of the petitioner on the date of framing of charges, recording of evidence, examiniation under section 351(1)(b) BNSS (313(1)(b) Cr.P.C.,) and on the date of pronouncement of judgment. In other respects, only if there is a specific direction from the trial Court, the presence of the petitioner may not be dispensed and on all other dates, the petitioner can be permitted to appear through a Counsel by filing an application under Section 355 of BNSS.

9.With the aforesaid observations, this Criminal Original Petition stands disposed of.

09.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM

To
1.The Deputy Superintendent Of Police,
Economic Offence Wing II,
Madurai. Crime No.3/2011.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
Crl.OP.(MD)No.13738 of 2026

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