

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Criminal Revision Case No.210 of 2016
and Crl.M.P.No.1489 of 2016

Thanjai Chezian

... Petitioner/Accused-3

vs.

State, by

The Inspector of Police,
Central Bureau of Investigation,
Economic Offence Wing,
Chennai.

... Respondent/Complainant

Criminal revision petition filed U/s. 397 r/w 401 (1) CR.PC has been filed to call for the records in Crl.M.P.No.371 of 2016 in C.C.No.4859 of 2009 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, at Allikulam vide order dated 5.2.2016 in Crime No.RC 9/E/2008-CBI/EOW/Chennai, on the file of the respondent police and set aside the order of dismissal of Crl.M.P.No.371 of 2016 and permit the petitioner to be represented by his counsel till the disposal of the revision application.

For Petitioner : Mr.P. Kumaresan

For Respondent : Mr.K.Srinivasan,
Spl. Public Prosecutor,
for CBI cases

ORDER

The present criminal revision petition has been filed to call for the records in Crl.M.P.No.371 of 2016 in C.C.No.4859 of 2009 pending on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, vide order dated 5.2.2016 in Crime No.RC 9/E/2008-CBI/EOW/Chennai, on the file of the respondent police and set aside the order of dismissal of Crl.M.P.No.371 of 2016 and permit the petitioner to be represented by his counsel till the disposal of the revision application pending before this Court.

2. It is the case of the petitioner that he has been arrayed as A.3 in C.C.No.4859 of 2009 pending on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai. On 5.2.2016, the case was posted for framing of charges. Since the petitioner was unable to appear before the trial Court on the said date, he filed an application under Section 317 Cr.P.C. to condone his absence. But, the learned Judge by observing that the case is of the year 2009, dismissed the said application. Aggrieved over the same, the present criminal revision petition has been filed.

3. Learned Special Public Prosecutor for CBI Cases opposed to entertain the revision petition.

4. However, the learned counsel appearing for the petitioner has filed an affidavit of undertaking before this Court, wherein the petitioner undertakes to appear before the trial Court while framing charges. Further, the learned counsel appearing for the petitioner submitted that the petitioner undertakes to appear before the trial Court regularly on all hearing dates without any fault.

5. In view of the said undertaking given by the petitioner, I am of the opinion, the revision petition can be entertained.

6. Accordingly, recording the said undertaking given by the petitioner, the order of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, dated 5.2.2016 made in CrI.M.P.No.371 of 2016 in C.C.No.4859 of 2009 is set aside and the present criminal revision petition is allowed. The petitioner is directed to file a petition to recall the warrant issued against him, within a period of one week from the date of receipt of a copy of this order. On receipt of such recall petition, the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, is directed to entertain the recall petition and to direct the police to return the non bailable warrant. The petitioner shall appear before the said Court while framing charges and thereafter, he is directed to appear before the said Court on all hearing dates without any default. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Additional Chief Metropolitan
Magistrate,
Egmore, Chennai at Allikulam.

2.The Inspector of Police,
Central Bureau of Investigation,
Economic Offence Wing,
Chennai.

3. Mr.K. Srinivasan,
Special Public Prosecutor for CBI,
High Court, Madras.

4. The Chief Metropolitan Magistrate, Egmore, Chennai.

+ 1 cc to Mr.P. Kumaresan, Advocate SR.42190

Cr1.R.C.No.210 of 2016

SCD(CO)
EU 29.7.16



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