

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.3.2016

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

Crl.R.C. No.500 of 2016 and  
Crl.M.P.No.3354 of 2016

Mr.Thanjai Chezian .. Petitioner/Accused -5

Vs.

State by Inspector of Police,  
Central Bureau of Investigation,  
Economic Offence Wing, Chennai. ... Respondent/Complainant

Petition filed under Section 397 r/w 401(1) of the Code of Criminal Procedure, to call for the records in Crl.M.P.No. 722 of 2015 in C.C.No. 5127 of 2009 on the file of the Learned Additional Chief Metropolitan Magistrate Egmore Chennai order dated 15.03.2016 in Crime No.RC.11/E/2008-CBI/EOW/Chennai on the file the respondent police and set aside the order of dismissal of Crl.M.P.722 of 2016 and permit the petitioner to be represented by his counsel till the disposal of the Revision application pending in this Hon'ble Court.

For Petitioner : Mr.V.Parthiban  
For Respondent : Mr.K.Srinivasan  
Spl.P.P. for CBI

O R D E R

Aggrieved by the dismissal of his petition filed under Section 317 Cr.P.C on 15.3.2016 by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, A5 has directed this revision.

2. Heard both sides.

3. From the records, it is seen that in the facts and circumstances, the trial Court had decided not to condone the absence of the accused on the hearing date and dismissed his petition filed under Section 317 Cr.P.C. And NBW has been issued. It remains unexecuted.

4. In the facts and circumstances of the case, the dismissal of the petition under Section 317 Cr.P.C for the refusal to condone the absence of the accused on the particular day now, cannot be questioned. However, there is no bar for A5 to take next course of action to protect his personal liberty in accordance with law.

5. With this observation, this criminal revision case is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Metropolitan Magistrate,  
Egmore, Chennai  
Now at Allikulam Commercial Complex,  
Chennai.
2. The Special Public Prosecutor (C.B.I cases),  
High Court, Madras.
3. Inspector of Police,  
Central Bureau of Investigation,  
Economic Offence Wing, Chennai.
4. The Section Officer,  
Criminal Section,  
High Court, Madras.

Cr1.R.C. No.500 of 2016

sai(CO)  
srg(30/03/2016)