

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.19799 of 2016
and
CrI.MP.Nos.9250 & 9251 of 2016

Alexander

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Sub Inspector of Police
Central Crime Branch,
(Team - 15A)
Egmore, (now at vepery), Chennai-600 007.

2. Kousar Parvin

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records relating to the proceedings in C.C.No.5150 of 2010, now pending on the file of the Judicial Magistrate cum Land Grabbing Special Court III, Chennai and to quash the same.

For Petitioner : Mr.T.T.Ravichandran

For R1 : Mr.C. Emalias
Additional Public Prosecutor

For R2 : Mr.N.Rajan

O R D E R

This criminal original petition has been filed to call for the records relating to the proceedings in C.C.No.5150, now pending on the file of the Judicial Magistrate cum Land Grabbing Special Court III, Chennai and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On 18.10.2016, this court passed the following order:-

"Pursuant to the order dated 08.09.2016 passed by this Court, it is reported that learned Magistrate, Special Court No.II for Anti Land Grabbing cases, Periamet, Chennai has transferred the entire records in C.C.No.49 of 2013 (Old C.C.No.5050 of 2016) to the file of III Metropolitan Magistrate Court, George Town, Chennai on 06.10.2016 and the same has also been received by the Special Court.

2. On further instructions, learned Additional Public Prosecutor submitted that Non-bailable warrant has been executed against Premkumar Babu (A7) and he was arrested, produced before the jurisdictional Court on 13.10.2016 and he has been granted bail.

3. Learned Additional Public Prosecutor also submitted that when the police went to execute Non-bailable warrant against N.Balasubramanian (A8) at Bangalore, they came to know that he is aged about 78 years and of frail health.

4. Mr.T.T.Ravichandran (Enrl.No.869/1992) entered appearance on behalf of N.Balasubramanian (A8) and submitted that N.Balasubramanian's wife suffered a stroke and that N.Balasubramanian (A8) himself aged about 78 years, is physically indisposed and he will appear before the Trial Court and submit to its jurisdiction.

5. Recording the submissions, N.Balasubramanian (A8) is directed to surrender before the learned III Metropolitan Magistrate Court, George Town, Chennai, within two weeks from the date of receipt of a copy of this order and on such surrender, he shall be released on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties to the satisfaction of the learned III Metropolitan Magistrate Court. He shall be present before the trial Court for receiving the papers u/s 207 Cr.P.C., for framing of charges u/s 313 Cr.P.C. and on the date of judgment. For rest of the hearings,

the presence of the accused can be dispensed with provided, he files an undertaking affidavit that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar Vs. State of Punjab, 2015 (1) MLJ (Crl.) 288. If the accused adopts any dilatory tactics, it is open to the trial Court to insist upon his presence and remand him to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambhu Nath Singh [JT 2001 (4) SC 319]. If he absconds, a fresh FIR should be registered against him u/s 229-A IPC.

6. Post the matter on 01.11.2016 for reporting compliance.

4. On 01.11.2016, this court passed the following order:-

"Since, the order dated 18.10.2016 was made ready only on 25.10.2016, one week time is extended from today for N.Balasubramanian (A8) to surrender before the trial Court. Rest of the conditions imposed in the order dated 18.10.2016 shall remain the same.

Post the matter on 07.11.2016 for "Reporting Compliance".

5. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that the order has been complied with and the petitioner surrendered on 03.11.2016.

6. Learned Additional Public Prosecutor affirmed the same.

In view of the above, this petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Sub Inspector of Police
Central Crime Branch, (Team - 15A)
Egmore, (now at vepery),
Chennai-600 007.
2. The Metropolitan Magistrate No.III,
George Town Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.T.Ravichandran, Advocate, S.R.No.58916

Crl.O.P.No.19799 of 2016

MV(CO)
CA(29/11/2016)



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