



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2016

CORAM:

THE HONOURABLE DR. JUSTICE P.DEVADASS

CRL.RC (MD) No.480 of 2016

and

C.M.P (MD) No.5594 of 2016

C.R.Subramanian

... Petitioner/Accused No.2

-vs-

The State Rep. By,
The Inspector of Police,
SPE/CBI/ACB/Chennai.
(RC No.19(A) of 2008)

... Respondent/Complainant

PRAYER: Criminal Revision Petition is filed, under Section 397 Cr.P.C., to call for the entire records pertaining to the order passed by the learned Second Additional District Judge for CBI Cases, Madurai in Crl.M.P.No.1521 of 2016 in C.C.No.03 of 2009 vide his order dated 28.06.2016 and set aside the same and consequently direct the aforesaid learned Judge to re-call the Non Bailable Warrant which was issued by him on the above said date.

For Petitioner : Mr.R.Anand

For Respondent : Mr.S.Jeyakumar
Special Public Prosecutor for CBI Cases

ORDER

Actually, in effect, this revision is intended to re-call N.B.W.

2. The petitioner is A.2 in a Bank fraud case in C.C.No.3 of 2009 pending before the learned Second Additional District Judge for CBI Cases, Madurai.

3. It is stated that his discharge petition was dismissed. It is further stated that as against the same, he has filed revision petition, which is pending in the Court. In the backdrop of the matter, when the case came up before the CBI Court, on 28.06.2016, for further proceedings, suddenly, the petitioner became sick. Perhaps he was sick of the further proceedings, in other words, his plea is to be recorded. He filed Section 317 Cr.P.C petition to condone his absence. The Trial Court dismissed the petition, consequently, to enforce his attendance, the Trial Court issued N.B.W. That is how the petitioner/A.2 is before this Court.



4. The learned counsel for the petitioner submits that really the petitioner has fell sick and he is not sick of the further proceedings, he will face the case. He may be given an opportunity.

5. The learned Special Public Prosecutor for CBI Cases submits that the petitioner tried to dodge, but the Trial Court did not allow him.

6. I have considered the rival submissions and perused the materials on record.

7. In the facts and circumstances, ordered as under:-

(i) The petitioner shall surrender before the learned II-Additional District Judge for CBI Cases, Madurai, on or before 28.07.2016, in default, prosecution will go ahead of execution of N.B.W.

(ii) On his such surrender, the Trial Court will re-call N.B.W.

(iii) The petitioner shall co-operate with the trial process.

8. Accordingly, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Second Additional District Judge for CBI Cases, Madurai.
- 2.The Inspector of Police,
SPE/CBI/ACB/Chennai.
- 3.The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.R.Anand, Advocate, SR.No.37445

Ps

RL/5C/2P/GSV/PM/21/7/2016

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