

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 11.09.2017

CORAM :

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THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

CRL.O.P. (MD) Nos.11777 and 11778 of 2017
and
CrI.M.P. (MD) .Nos.8111 to 8114 of 2017

1. Jesuvin Fabi ... Petitioner/Accused No.7
in CrI.O.P.No.11777/2017

2. K.Paul Johnson ... Petitioner/Accused No.1
in CrI.O.P.No.11778/2017

vs.

1. The Inspector of Police,
Central Bureau of Investigation,
ACB/CBI,
Chennai. ... 1st Respondent/Complainant
in Both CrI.O.Ps

2. Mr.Surendran,
Deputy General Manger,
Fraud Investigation Cell,
Syndicate Bank Regional Office,
Coimbatore. ...2nd Respondent/Defacto Complainant
in both CrI.O.Ps.

Prayer: These Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in C.C.No.7 of 2012 on the file of the II Additional District and Sessions Judge (CBI Cases), Madurai and quash the same as illegal as against the petitioner concerned.

For Petitioners : Mr.J.Jeyakumaran
in both CrI.O.Ps.

For R1 : Mr.S.Jeyakumar
Special Government Pleader
in both CrI.O.Ps. for CBI Cases

**COMMON ORDER**

The learned counsel appearing for the petitioners states that he is not pressing these Criminal Original Petitions and he has also made an endorsement to that effect. Accordingly, these Criminal Original Petitions are dismissed as not pressed..

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2. The learned Special Government Pleader appearing for the first respondent submits that now the trial has commenced and already eight witnesses have been examined.

3. At this stage, the learned counsel appearing for the petitioners submitted that the petitioner in Crl.O.P.(MD).No.11777 of 2017 is a lady working as a Teacher and she is not able to appear before the Court regularly for all the hearings and hence, he seeks to dispense with her personal appearance.

4. Since the trial has commenced, this Court cannot dispense with the appearance of the petitioner in Crl.O.P.(MD).No.11777 of 2017. However, it is open to the petitioner in Crl.O.P.(MD).No.11777 of 2017 to approach the Trial Court and file necessary application seeking exemption from appearance and on such application being filed, the trial Court shall consider the same and pass orders in accordance with law. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Central Bureau of Investigation,
ACB/CBI, Chennai.

2. The Special Public Prosecutor for CBI cases,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Iind Additional District and Sessions Judge(CBI cases),
Madurai.

+2ccs to Mr.J.Jeyakumaran, Advocate in SR.No.77861

akv

AE/KK/SAR3/03.10.2017/2P/6C