

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Eleventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.10618 of 2018

IN CRL A.228/2018

NVP SHARMA,

[PETITIONER / APPELLANT]

Vs

STATE BY,

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
CBI/EOW/CHENNAI.

(RC 6/E/2003CBI/EOW/CHENNAI).

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition that the petitioner shall appear before the Learned Principal Judge for CBI Cases, Hyderabad on the first Monday of every English Calendar month at 10.30 am passed in Crl.M.P.No.5563/2018 in CA.No. 228/2018 dt.06.04.2018 by this Honble Court may be relaxed. [IN CRL.M.P.No.10618/2018]

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.RAJARATHINAM, Advocate for the petitioner and of MR.K.SRINIVASAN, (Spl. PUBLIC PROSECUTOR FOR CBI CASES), on behalf of the Respondents the court made the following order:-

This petition has been filed for relaxing the condition imposed in Crl.M.P.No.5563 of 2018 directing the petitioner to appear before the Principal Court for CBI Cases, Hyderabad on the first Monday of every English calendar month at 10.30 a.m until further orders.

2. The learned counsel for the petitioner/appellant would submit that the petitioner/appellant was convicted by the learned XIV Addl. Judge for CBI Cases, Chennai vide judgment dated 23.03.2018 for the offence under Section 120-B and 467 of IPC and sentenced to undergo 2 years R.I each and to pay a fine of Rs.5000/- each, in default to undergo S.I for 3 months each. After getting suspension of sentence in the trial Court, the petitioner filed an appeal in Crl.A.No.228 of 2018 before this Court and this Court, vide order dated 06.04.2018 in Crl.M.P.No.5563 of 2018 had while suspending the sentence and granting bail directed the petitioner/appellant to appear before the Principal Court for CBI Cases, Hyderabad on the

first Monday of every English Calendar Month at 10.30 a.m until further orders. Subsequent to the order passed by this Court, the petitioner had appeared on 07.05.2018, 04.06.2018 and also on 02.07.2018. He would further submit that the petitioner has undergone operation for enlarged Prostate gland on 12.05.2018 in Appollo Hospital, Hyderabad and he has been detected and diagnosed to have Stage-IV Prostate Cancer-CA and advised to take treatment at TATA Memorial Hospital, Mumbai and hence, he prayed that the condition may be relaxed.

3. The learned Special Public Prosecutor for CBI cases would submit that the medical records filed by the petitioner shows that he has been diagnosed with Stage-IV, Prostate Cancer-CA.

4. Taking into consideration the submissions made by the learned counsels in order to enable the petitioner to take treatment at Mumbai, I am inclined to exempt the petitioner from complying with the conditions for a period of four months and the petitioner shall appear on the first Monday of January 2019. Depending upon the health condition of the petitioner, he is permitted to move further application if necessary.

-sd/-
11/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XIV ADDITIONAL
SPECIAL JUDGE, FOR CBI CASES,
CHENNAI.

2 THE PRINCIPAL JUDGE
FOR CBI CASES, HYDERABAD.

3 THE SPECIAL PUBLIC
PROSECUTOR, FOR CBI CASES, HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
CBI/EOW/CHENNAI.
(RC 6/E/2003CBI/EOW/CHENNAI).

+1 C.C. to M/S.R.RAJARATHINAM Advocate on payment of necessary charges SR.NO.15181

Order

in
CRL MP.10618/2018

in
CRL A.228/2018

Date :11/08/2018

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