

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of September Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12319 of 2018

IN CRL A.569/2013

V.ARUL KUMAR

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
SPE CBI ACB, CHENNAI.
RC.NO.48 (A) /2003/CBI/ACB/CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to condone the absence of the petitioner on 01.09.2018 which fell on a Saturday and permit the petitioner to continue the reporting before the trial court on the first working day of every month at 10.30 a.m. until further orders in Crl.M.P.No.1/2018 in Crl.A.No.569 of 2013 order dated 26.08.2013.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.T.VIJAYARAGHAVAN, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

The petition has been filed seeking to condone the absence of the petitioner before the trial Court on 01.09.2018 in compliance of the order granted in Crl.M.P.No.1/2013 in Crl.A.No.569 of 2013 dated 26.08.2013.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner has been arrayed as accused in C.C.No.15/2006 on the file of XI Additional Sessions Judge for CBI cases, Chennai for offences under Section 120B r/w 420 IPC and Section 13(2) r/w 13(1)(d) of Prevention Corruption Act, 1988 and sentenced to rigorous imprisonment for a period of one year and also directed to pay a fine of Rs.1,000/- by its judgment dated 30.07.2013. The learned counsel would submit that he has filed an appeal against the order of conviction in C.A.No.569/2013 and also prayed for suspension of sentence and this court, while suspending the sentence directed the petitioner to appear before the trial Court on the first working day of every month at 10.30 a.m until further orders. He would submit that he has been regularly appearing before the trial Court on the first working day of every month in due compliance of the order passed by this Court.

However, he would submit that 01.09.2018 had happened to be a Saturday and the petitioner had inadvertently thought that it is a public holiday and thereby, he did not attend the court and he had attended the court on the next working day i.e on 03.09.2018 and would submit that he was informed by the learned Judge that his absence on 01.09.2018 has been taken note of and that the learned Judge had directed the petitioner to get appropriate orders from this court for condoning the absence on 01.09.2018. The learned counsel would submit that the petitioner has been regularly appearing all along. He would further submit that the petitioner would continue to comply with condition without any default hereinafter and also submit that no prejudice would be caused to the respondent, if the petitioner's absence on 01.09.2018 is condoned. The learned Special Public Prosecutor would submit that the petitioner had been regularly complying with the condition till the month of August 2018.

4. Taking into consideration the facts of the case and submissions made by the learned counsels, the absence of the petitioner on 01.09.2018 before the trial Court is condoned. However, the petitioner shall continue to comply with the condition imposed in Crl.M.P.No.1/2013 in C.A.No.569/2013, dated 26.08.2013 until further orders.

5. This miscellaneous petition is ordered accordingly.

-sd/-
18/09/2018

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

TRUE COPY

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

सत्यमेव जयते

TO

1 THE XI ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE, CBI CASES RELATING
TO BANKS AND FINANCIAL INSTITUTIONS,
CHENNAI-1.

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

3 THE INSPECTOR OF POLICE,
SPE CBI ACB, CHENNAI. RC.NO.
48 (A) /2003/CBI/ACB/CHENNAI.

+1C.C. to M/S.T.VIJAYARAGHAVAN Advocate on payment of necessary charges SR NO.17692

Order

in
CRL MP.12319/2018

in
CRL A.569/2013

Date :18/09/2018

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MK:24/09/2018



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