

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twentieth day of September Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12509 of 2018

IN CRL A.215/2018

RITA ALEXANDER

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CBI EOW, 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 in compliance of the condition imposed by this Honble Court in Crl.M.P.No.5232 of 2018 in Crl.A.No.215 of 2018 pending on the file of this Honble Court.[CRL.MP.NO.12509/2018]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.SELVAKUMARASWAMI, 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.5232/2018 in Crl.A.No.215 of 2013 dated 28.03.2018.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner has been arrayed as 3rd accused in C.C.No.7 of 2017 on the file of XI Additional Sessions Judge for CBI cases relating to Bank and Financial institutions, Chennai for offences under Section 120B r/w 420, 468, 471 of IPC and Section 13(2) r/w 13(1)(e) of the Prevention Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,00,000/- for each of the substantial offences in default to undergo six months simple imprisonment respectively vide impugned judgment dated 22.03.2018. The learned counsel would submit that he has filed an appeal against the order of conviction in C.A.No.215/2018 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.

4. The learned Special Public Prosecutor would submit that the petitioner had been regularly complying with the condition till the month of August 2018.

5. 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 CrI.M.P.No.5232/2018 in C.A.No.215/2018, dated 28.03.2018 until further orders.

6. This Criminal miscellaneous petition is ordered accordingly.

-sd/-
20/09/2018

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.

TO

1 THE XI ADDITIONAL SESSIONS
JUDGE FOR CBI CASES RELATING TO BANK AND
FINANCIAL INSTITUTIONS, CHENNAI

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

3 THE SUPERINTENDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CBI EOW, CHENNAI.

+1 C.C. to M/S.K.SELVAKUMARASWAMI Advocate on payment of
necessary charges SR.NO. 17912

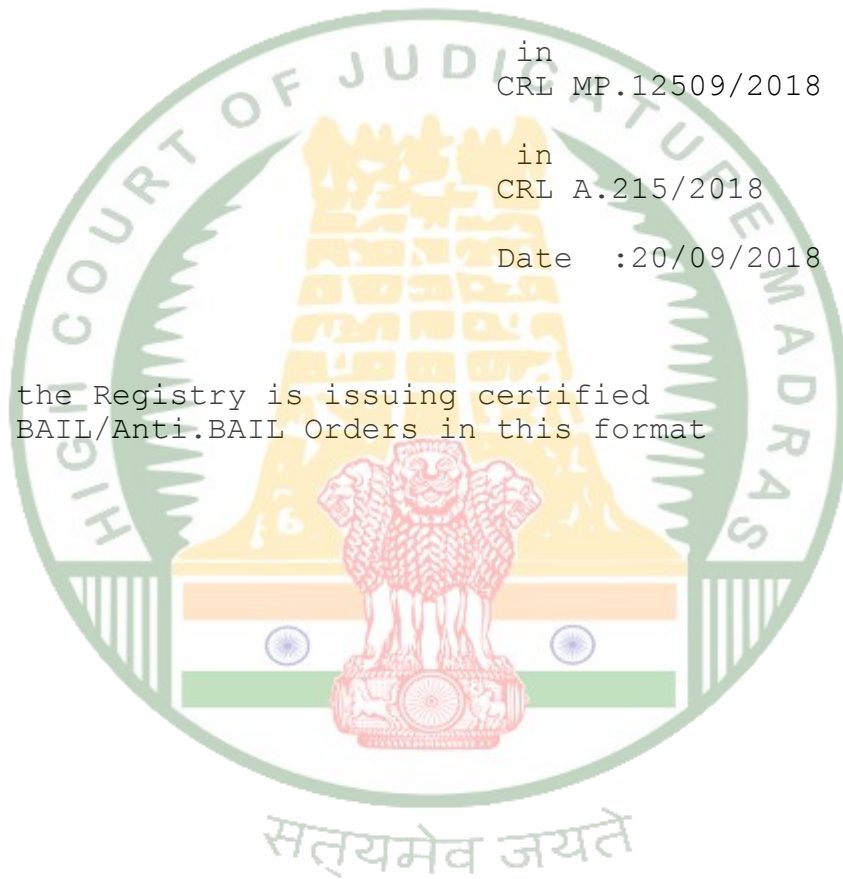
Order

in
CRL MP.12509/2018

in
CRL A.215/2018

Date :20/09/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 25/09/2018



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