

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :19.12.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29823 of 2018
in
Crl.M.P.No.17486 of 2018

Rajalakshmi

... Petitioner

Vs.

State by

The Sub Inspector of Police,
Central Crime Branch,
Chennai - 600 007.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside or modify the order compelling her presence continuously until further orders in Crl.M.P.No.7107 of 2018 in C.C.No.2522 of 2017 passed by the Metropolitan Magistrate Court, Egmore, for C.C.B or C.B.C.I.D cases now functioning at Allikulam, Chennai.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Court below while allowing the petition to recall the Non Bailable Warrant.

2. The learned counsel for the petitioner would submit that this petitioner is aged about 73 years and has been arrayed as A-3 in the final report. Since the petitioner was not able to be present before the Court on the date of hearing, i.e., on 03.10.2018, a Non Bailable Warrant was issued against the petitioner. Thereafter, the petitioner filed a petition for recalling the Non Bailable Warrant. The Court below, while allowing the petition, imposed a condition that the petitioner should appear before the Court below, at 10.00 a.m., daily until further orders.

3. The learned counsel for the petitioner would submit that this condition is onerous, more particularly due to the fact that the petitioner is a lady aged about 73 years. Therefore, the learned counsel would submit that the said condition requires modification by this Court. The learned counsel also submitted that there are totally eleven witnesses to be examined, on the side of the prosecution and till now, four

witnesses have been examined.

4. In the facts and circumstances of the case, this Court is of the considered view that the Court below need not have imposed such an onerous condition against the petitioner. Therefore, the condition imposed by the Court below requires interference. Till now four witnesses have been examined in this case, out of the eleven witnesses shown in the list of witnesses in the final report. What is important is to ensure the presence of this petitioner during the hearing dates. Therefore, it is not necessary that this petitioner at the age of 73 should attend the Court daily for no reasons. It is enough, if the petitioner appears before the Court below, on the date of hearing of the case, without fail.

5. Thus, the condition imposed by the Court below is hereby set aside and the petitioner is directed to appear before the Court below, on the date of hearing without fail. The Court below is directed to complete the proceedings in C.C.No.2522 of 2017, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Metropolitan Magistrate Court,
Egmore, for C.C.B or C.B.C.I.D cases, Allikulam,
Chennai.

2.The Sub Inspector of Police,
Central Crime Branch,Chennai - 600 007.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Jeyakumar, Advocate, S.R.No.88331

Cr1.O.P.No.29823 of 2018
in
Cr1.M.P.No.17486 of 2018

SVN(CO)
rrs 20/12/2018