

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2932 of 2019

A.Raajendhar

... Petitioner

/Vs/

State rep.by
The Inspector of Police
CBI/ACB/Chennai
(RCMA 2016A4007).

... Respondent

PRAYER: Criminal Original Petition filed under section 482 of Cr.P.C., to set aside the order dated 10.01.2019 passed in Crl.M.P.No.10 of 209 passed by learned XI Additional Special Judge, Chennai CBI cases relating to bank and financial Institution, Chennai, seeking to modify the order dated 30.07.2018 in Crl.M.P.No.3004 of 2018 by the learned XI Additional Special Judge, Chennai CBI cases relating to bank and financial institutions, Chennai.

For Petitioner : Mr.R.Arunkumar

For Respondent : Mr.G.Ramar
Government Advocate (Crl.Side)

O R D E R

This petition has been filed by the petitioner against the order dated 10.01.2019 passed in Crl.M.P.No.10 of 2019 passed by learned XI Additional Special Judge, Chennai CBI cases relating to bank and financial Institution, Chennai, seeking to modify the order dated 30.07.2018 in Crl.M.P.No.3004 of 2018 by the learned XI Additional Special Judge, Chennai CBI cases relating to bank and financial institutions, Chennai.

2. The learned counsel for the petitioner would submit that the Crl.M.P.No.3004 of 2018 was filed by the petitioner to relax the condition imposed by the learned XI Additional Special Judge for CBI cases relating to bank and financial Institution, Chennai and the same was ordered on 30.07.2018 with the condition that the accused shall report before the learned XI Additional Special Judge for CBI cases relating to bank and

financial Institution, Chennai at 10.30 a.m., on the first working day of every month from 01.08.2018 until further orders and the petitioner obeyed the condition from 01.08.2018 to 01.01.2019 and he had regularly appeared before the said Court. He would further submit that due to his poor health condition and constant pain in his spinal cord, Sugar and high blood pressure, Doctors advised him to do regular check-up. He would also submit that it is very difficult for the petitioner to appear and sign on the first working day at 10.30 a.m., before the said Court, since, he has to attend for routine medical check-up in the morning. He would further submit that the condition is only to appear before the trial Court on the first working day of every month. He would also submit that the petitioner has been co-operating with the respondent for the investigation and whenever he has been summoned, the petitioner has appeared before the respondent. Therefore, praying for modifying the said condition he had filed in CrI.M.P.No.10 of 2018 in CrI.M.P.No.3004 of 2018 before the learned XI Additional Special Judge for CBI Cases relating to bank and financial Institution, Chennai and the modification petition was dismissed on 10.01.2019, against which, the present Criminal Original Petition is filed by the petitioner.

3. The learned Special Public Prosecutor for CBI Cases would submit that the petitioner had been absconding for long time and that with great efforts the respondents were able to arrest the petitioner. She would further submit that the investigation has been completed and that the petitioner had been appearing before the respondent police.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner is facing the difficult only to appear before the Trial Court on the first working day at 10.30 a.m., and would submit that the petitioner undertakes to appear before the respondent as and when called for and would pray that the condition to appear before the Trial Court on the first working day at 10.30 a.m., may be modified.

5. Taking into consideration the submissions made by the learned counsel on both sides, the condition imposed as against the petitioner is modified to the effect that petitioner shall appear before the Trial Court at 10.30 a.m., on the first working day of alternate months (i.e., once in two months) starting from April 2019. However, if the presence of the petitioner is required for further investigation, the respondent shall issue summons as and when required for interrogation and the petitioner shall appear before the respondent.

6. The criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Kv

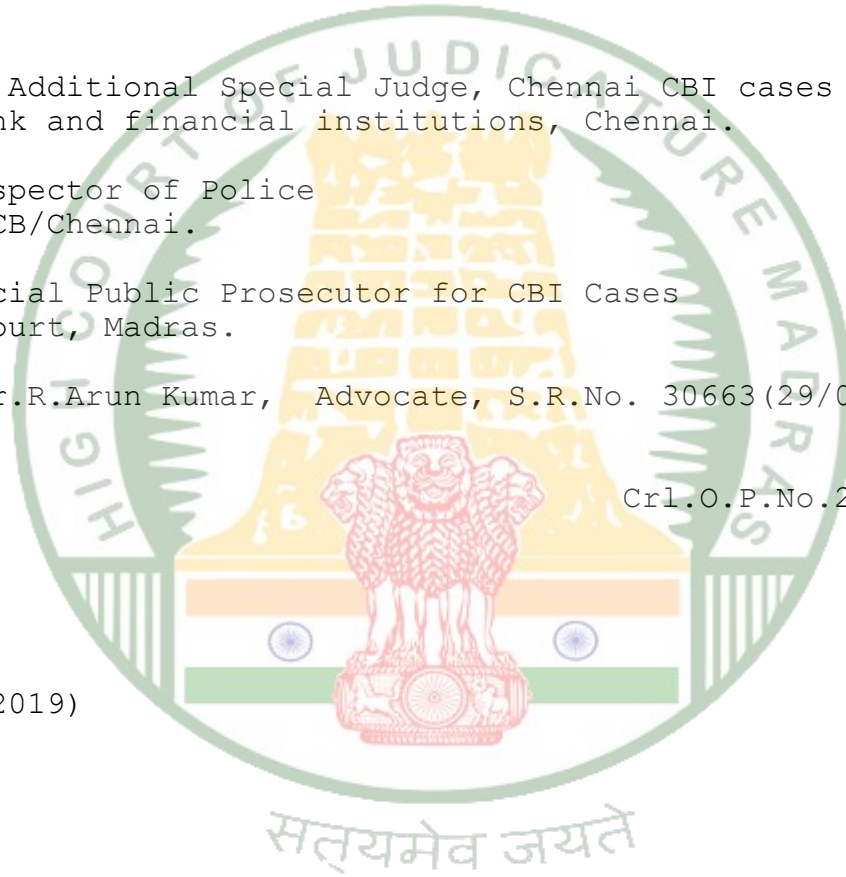
To

1. The XI Additional Special Judge, Chennai CBI cases relating to bank and financial institutions, Chennai.
2. The Inspector of Police CBI/ACB/Chennai.
3. The Special Public Prosecutor for CBI Cases High Court, Madras.

+1cc to Mr.R.Arun Kumar, Advocate, S.R.No. 30663(29/03/2019)

CrI.O.P.No.2932 of 2019

KS (CO)
GN(11/03/2019)



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