

M.NIRMAL KUMAR,J.

The petitioner has filed a petition in Crl.O.P.No. 4498 of 2020 seeking to quash the proceedings in C.C.No.9635 of 2014. The said petition was dismissed by this Court by an order dated 03.06.2020, taking into consideration the fact that trial in C.C.No.9635 of 2014 was kept pending without any progress. This Court directed the trial Court to expedite the trial on day to day basis. Thereafter the petitioner filed a memo and sought for virtual hearing, since Mr. Prakash Gokhane who is defending the case for the petitioner is aged about 65 years and due to prevailing pandemic situation, he is unable to appear in person. In view of the same, this Court on 06.11.2020, sought for clarification from the trial Court as to whether virtual hearing is possible.

2. The respondent CBI submitted that after dismissal of the quash petition , charges were framed in C.C.No. 9635 of 2014 on 14.10.2020 and thereafter, four witnesses were examined. The petitioner had not cross examined those witnesses. The petitioner also filed 91 Cr.P.C petition in Cr.M.P.No. 13212 of 2019, which was entertained by the trial Court through virtual hearing. Thus, the trial Court is functioning through virtual hearing and the petitioner has also participated in it. On the examination of witnesses, the petitioner is making such objections to protract the trial for one reason or other.

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3. This Court was informed that virtual hearing facility is available and the same can be provided by the trial Court. The petitioner apprehension is that the entire proceedings cannot be visualized. The trial Court submitted that through the virtual court proceedings, the petitioner and his counsel can see actual proceedings and participate in the trial as that of physical hearing . It is also brought to the notice that physical hearing of cases are to commence from the middle of January 2021.

4. In view of the same the trial Court is directed to proceed with the trial providing both virtual and physical hearing, whenever need arises for virtual hearing. The trial Court shall make provision for viewing all the proceedings. The computer cell of City Civil Court and the Sheristhar of the Egmore Court informed the feasibility of virtual hearing with full coverage.

5 It is made clear that the virtual hearing is in addition to the physical hearing . The trial Court is directed to proceed with the trial as per its convenience. The petitioner to participate in the trial without any further delay.

23.12.2020