

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.3253 of 2020

IN CRL.A.NO.210 OF 2014

SADHAN KUMAR BANERJEE

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE

CBI, EOW, CHENNAI

RC.NO.2 (E) /2004/CBO/EOW/CHENNAI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition to appear for one day viz 01.04.2020 before the XI Additional City Civil and Sessions Judge in CC.No.8 of 2005, Chennai on 01.04.2020 in terms of the order passed by this Honble court dated 20.08.2014 in M.P.No.2 of 2014 in C.A.No.210 of 2014 and further condone the absence of the petitioner and pass such further or other orders.[CRL.MP.NO.3253/2020]

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.T.S.GOPALAN AND CO, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, on behalf of the Respondents the court made the following order:-

The petitioner was convicted by the learned XI Additional City Civil & Sessions Judge (CBI Cases relating to Banks and Financial Institutions), Chennai in C.C.No.8 of 2005 on 27.03.2014. Against which he preferred an appeal in C.A.No.210 of 2014, in which this Court by order dated 17.04.2014 in Crl.M.P.No.1 of 2014 while granting suspension of sentence directed the petitioner to report before the concerned Court, on the first working day of every month of 10.30 a.m. Thereafter, this Court by order dated 20.08.2014 in Crl.M.P.No.2 of 2014 directed the petitioner/A6 to appear before the concerned Court on the first working day of every 2nd month. Against which he filed the present petition.

2.The learned counsel for the petitioner submitted that the petitioner is aged about 68 years and he is a permanent resident of Calcutta. He further submitted that the case pertains to mismanagement in Allahabad Bank accounts and the petitioner was employed during the relevant period as Chief Manager. After his

retirement, he was settled in Calcutta.

3.The learned counsel for the petitioner further submitted this Court by order dated 20.08.2014 in Crl.M.P.No.2 of 2014 in Crl.A.No.210 of 2014, directed the petitioner/A6 to appear before the concerned Court on the first working day of every 2nd month. As per the condition the petitioner has to appear before the concerned Court on the month of April 2020. The petitioner, now, seeking for absence of appearing on the month of April 2020, due to Durga Pooja to be held at Calcutta and his presence is very much necessary. The petitioner being a retired person and a permanent resident at Calcutta and has developed ill health on account of his age and also has been advised to avoid such a long travel frequently. Due to the condition imposed he has been travelling from Calcutta to Chennai and as such the condition to be relaxed.

4.The learned Special Public Prosecutor appearing for the respondent submitted that the petitioner has been complying with the condition regularly, till date, without any default.

5.Considering the age related ailments of the petitioner and the offence is said to have been committed when he was working as Chief Manager of Allahabad Bank in Chennai, this Court is inclined to modify the condition to the effect that the presence of the petitioner before the lower Court on the month of April 2020 is condoned. Thereafter, the petitioner is directed to appear before the lower Court once in six months on the first working of June and January at 10.30 a.m., until further orders.

6.Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

13/03/2020

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 CITY CIVIL
AND SESSIONS JUDGE[CBI CASES RELATING TO
BANKS AND FINANCIAL INSTITUTIONS] CHENNAI

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

3 THE INSPECTOR OF POLICE
CBI, EOW, CHENNAI
RC.NO.2 (E) /2004/CBO/EOW/CHENNAI

+1 C.C. to M/S.T.S.GOPALAN AND CO Advocate on payment of
necessary charges SR.NO. 5070

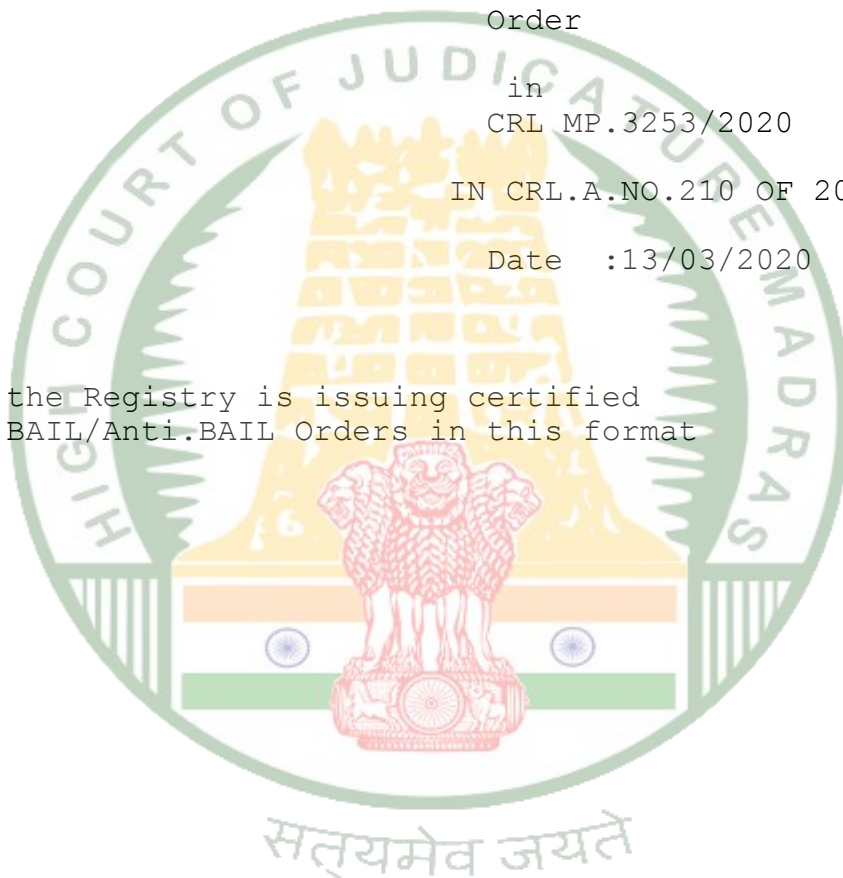
Order

in
CRL MP.3253/2020

IN CRL.A.NO.210 OF 2014

Date :13/03/2020

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RD 26/05/2020



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