

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of March Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.3679 of 2021

IN CRL.A.No.749 of 2015

B.R.BADRINATH

[PETITIONER / APPELLANT]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
CENTRAL BUREAU INVESTIGATION,
CBI / ACB, CHENNAI.

[RESPONDENT / RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition imposed by this Hon'ble Court on 11.01.2017 made in Crl.M.P.No.519 of 2017 in Crl.A.No.749 of 2015 in so far as appearing before the trial Court, Chennai on the 1st working day once in four months at 10.30 a.m.

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. G.KRISHNA KUMAR, Advocate for the Appellant and of MR.K.SRINIVASAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking to relax the condition imposed on the petitioner by the order of this Court vide dated 11.01.2017 made in Crl.M.P.No.519 of 2017 in Crl.A.No.749 of 2015 "that the petitioner shall appear before the trial Court once in four months on the first working day of the particular month at 10.30 a.m., until further orders".

2. Learned counsel appearing for the petitioner would submit that the petitioner is aged about 67 years and that he was granted suspension of sentence by this Court, vide order dated 17.02.2016 in Crl.M.P.No.2 of 2015 on condition that the petitioner shall appear before the trial Court on the first working day of every English Calendar Month at 10.30 a.m. Thereafter the petitioner had moved a petition for relaxation in Crl.M.P.No.6814 of 2016 and the condition was modified to the effect that the petitioner shall appear before the trial Court once in two months on the first working day of the alternate months at 10.30 a.m., until further orders. Thereafter, it was further modified vide Crl.M.P.No.519 of 2017 dated 11.01.2017 on condition that the petitioner was directed to appear before the trial Court once in four months on the first working day of the particular month at 10.30 a.m., until further orders. Further, the petitioner had moved applications twice seeking for relaxation of the condition before this Court however, the same were dismissed, and that the petitioner had been regularly appearing before the trial Court once in four months without fail. Thereafter, during Covid-19 pandemic period, the petitioner was unable to appear before the Court and thereafter, the petitioner who is a resident of Bangalore and aged about 67 years had suffered a mild stroke on 26.12.2020 and as such, he has lost his movement on the left side of his body and thereby, he was not able to travel all along from Bangalore to Chennai and appear before the Court on 04.01.2021. Thereby, he would pray that the absence of the petitioner during January 2021 may be condoned and the condition imposed on the petitioner may be relaxed.

3. Learned Special Public Prosecutor (CBI Cases) appearing for the respondent would submit that the petitioner had been regularly appearing before the trial Court till the pandemic period and thereafter, he did not appear on 04.01.2021. He would further submit that he has no objection in modifying the condition imposed on the petitioner and that the petitioner may be directed to appear before the CBI BS & FB, Bangalore.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready and willing to appear before the CBI BS & FB, Bengaluru, Karnataka, as and when required by them and he is also prepared to give his present address to the respondent.

5. Taking into consideration, the facts and submissions made by the counsels and also taking into consideration of the old age and health condition of the petitioner, his absence to appear before the trial Court on 04.01.2021 is condoned and that the condition imposed on the petitioner in Crl.M.P.No.519 of 2017 in Crl.A.No.749 of 2015, dated 11.01.2017 is modified to that effect "that the petitioner shall appear before the trial Court once in six months on the first working day of the particular month at 10.30 a.m., starting from the

Month of June 2021, until further orders". Further, the petitioner shall furnish the local address at Bangalore and he shall appear before the CBI BS & FB, No.36, Bellary Road, Ganga Nagar, Bengaluru, Karnataka, Pin-560 032, as and when required by them.

-sd/-
26/03/2021

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 SPECIAL JUDGE,
[CBI CASES], CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL BUREAU INVESTIGATION,
CBI / ACB, CHENNAI.

4 THE OFFICER INCHARGE,
CBI BS & FB, NO.36,
BELLARY ROAD, GANGA NAGAR,
BENGALURU,
KARNATAKA, PIN-560 032.

+1 C.C. to M/S. G.KRISHNA KUMAR Advocate on payment of necessary charges SR.No.4132

Order

in
CRL MP.3679/2021

in
CRL.A.749/2015

Date :26/03/2021

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