

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.2491 of 2021

IN CRL A.579/2010

V.PATTABIRAMAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CBI/B.S. AND F.C., CHENNAI.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein the High Court will be pleased to condone the absence of the petitioner on 2nd November 2020 in reporting before the learned XI Additional Judge for CBI, Chennai in Crl.MP.No.2 of 2011 in Crl.A.No.579/2010 in order dated 19.12.2011 and consequently permit the petitioner to report before the learned XI Additional Judge for CBI, Chennai

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.RAJASEKARAN, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

The Criminal Miscellaneous Petition has been filed, seeking to condone the absence of the petitioner in complying with the condition imposed by this Court in M.P.No.2 of 2011 dated 19.12.2011 in Crl.A.No.579 of 2010, directing the petitioner to appear before the XI Additional Judge for CBI Cases, Chennai, once in three months on the first working day at 10.30 a.m. till the disposal of the appeal.

2. The learned Counsel for the petitioner would submit that this Court had granted suspension of sentence vide Crl.M.P.No.1 of 2010 by order dated 19.10.2010 directing the petitioner to appear before the trial Court on the second working day of every month. Later, this Court had modified the condition by order dated 19.12.2011 vide Crl.M.P.No.2 of 2011 directing the petitioner to appear before the trial Judge once in three months i.e. on the first working day of that month at 10.30 a.m. till the disposal of the appeal. He would submit that the petitioner is aged 72 years and residing at Bangalore. However, he was all along regularly complying with the conditions. Thereafter, during National lock down, the petitioner could not appear before the trial Judge during 2nd April 2020 and thereafter, due to travelling restrictions, the petitioner was unable to appear before the trial Court during November 2020 and thereby, the present petition has been filed seeking to condone the absence of the petitioner during November 2020 and the petitioner may be permitted to continue complying with the condition.

3. The learned Special Public Prosecutor for CBI cases would submit that the petitioner was earlier regularly appearing before the Court. However, he did not appear before the Court during November 2020.

4. Taking into consideration of the above facts and submissions, this Court is satisfied with the reasons stated in the affidavit filed in support of this petition. The absence of the petitioner during the Month of November 2020 is condoned and the petitioner is permitted to continue complying with the condition as directed by this Court in Crl.M.P.No.2 of 2011 dated 19.12.2011 in Crl.A.No.579 of 2010, starting from the first working day of May 2021.

5. Accordingly, this petition is ordered.

-sd/-
03/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XI ADDITIONAL SPECIAL JUDGE FOR C.B.I. CASES,
CHENNAI.

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

3 THE INSPECTOR OF POLICE
CBI/B.S. AND F.C., CHENNAI.

+2C.C. to M/S.K.RAJASEKARAN Advocate on payment of necessary
charges SR NO.2752

Order

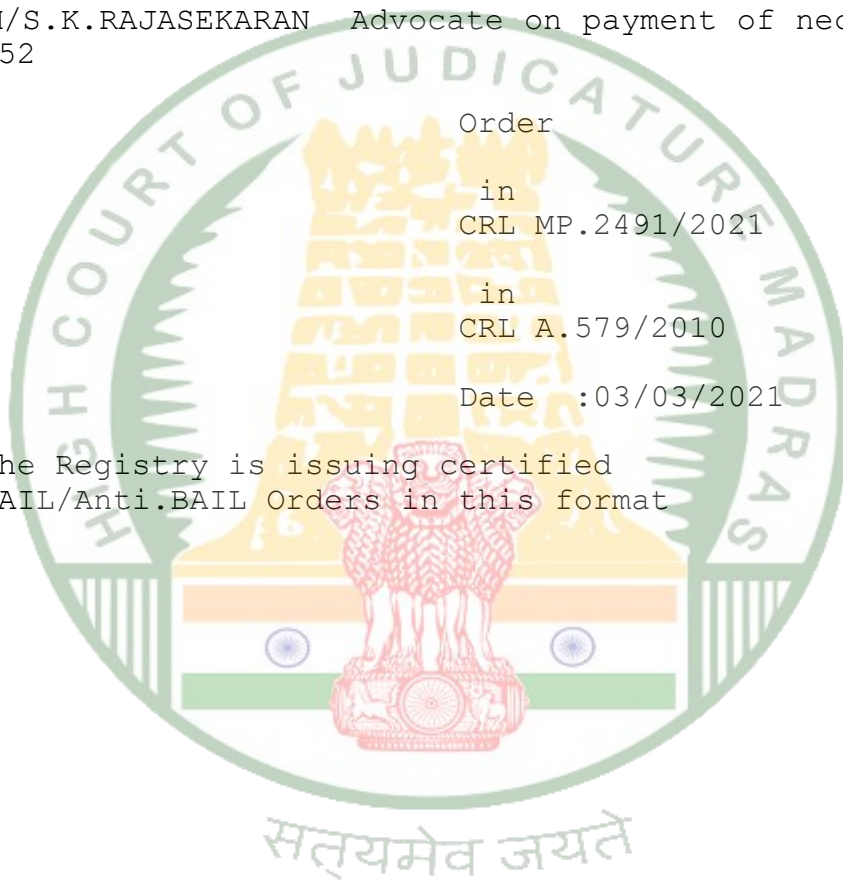
in
CRL MP.2491/2021

in
CRL A.579/2010

Date :03/03/2021

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MK:05/03/2021



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