

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.2078 of 2021

in CRL.A.No.391 of 2014

DHANDAPANI KUMAR @ D.KUMAR [PETITIONER/APPELLANT/ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT/COMPLAINANT]
ACB/CBI/CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To condone the absence of the petitioner in complying the conditions on two hearings and may be pleased to permit the petitioner to comply with the condition imposed by this Honble court passed in Crl.MP.NO.13708/2019 dated 25.09.2019 in C.A.No.391 of 2014 directing the petitioner to report before the Learned XI Additional City Civil and Sessions Judge (CBI Cases, relating to Bank and Financial Institutions) Chennai, once in three months on the first working day.

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.J.ASOKAN, 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:-

Petition has been filed to condone the absence of the petitioner in complying the conditions on two hearings and to permit the petitioner to comply with the condition passed in Crl.M.P.No.13708 of 2019 dated 25.09.2019 in Crl.A.No.391 of 2014.

2.Learned counsel for the petitioner would submit that this Court had granted suspension of sentence to the petitioner in Crl.M.P.No.1 of 2014 Crl.A.No.391 of 2014 vide order dated

25.07.2014, directing the petitioner to appear before the Learned XI Additional City Civil and Sessions Judge (CBI Cases, relating to Bank and Financial Institutions), Chennai, on the 1st working day of every month at 10.30 a.m. until further orders. Thereafter, the petitioner filed a petition in Crl.M.P.No.13708 of 2019 in Crl.A.No.391 of 2014, dated 25.09.2019, seeking to modify the conditions imposed by this Court and this Court was also pleased to modify the condition and directed the petitioner to appear before the Trial Court once in three months at 10.30 a.m. on the 1st working day of the month. He would further submit that there was no physical hearing on account of Courts being closed during Covid-19 and hence the petitioner did not appear before the Trial Court during the period from April 2020 to October 2020 and thereafter the petitioner with bonafide intention had duly appeared before the Trial Court on the 1st working day of January 2021, since the Courts below have started allowing the physical hearing from November 2020, the learned Trial Judge did not permit the petitioner to appear and report before the Court, thereby, the petitioner has preferred the present petition seeking to condone the absence of the petitioner on the earlier two hearing dates.

3.Learned Special Public Prosecutor would submit that the petitioner ought to have appeared before the Trial Court during the 1st working day of November 2020, whereas, the petitioner has failed to appear.

4.Taking into consideration of the facts and submissions made, the failure of the petitioner to comply with the conditions is hereby condoned. The petitioner shall continue to comply with the conditions imposed by this Court in Crl.M.P.No.13708 of 2019 in Crl.A.No.391 of 2014 dated 25.09.2019, from the 1st working day of April 2021 at 10.30 a.m.

-sd/-
26/02/2021

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 LEARNED XI ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE (CBI CASES, RELATING TO BANK
AND FINANCIAL INSTITUTIONS), CHENNAI.

2 THE INSPECTOR OF POLICE
ACB, CBI, CHENNAI.

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

+1 C.C. to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO.2388

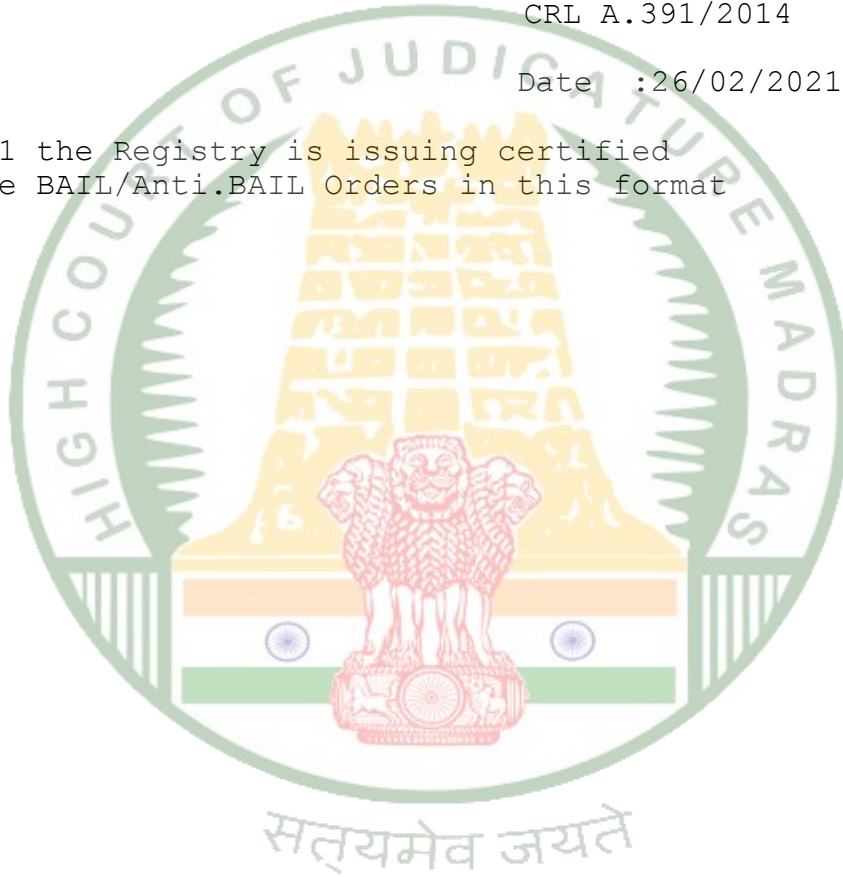
Order

in
CRL MP.2078/2021
in
CRL A.391/2014

Date :26/02/2021

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TA-02/03/2021



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