

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of February Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.1467 & 1468 of 2021

in CRL.A.No.674 of 2016

ASHOK KUMAR JAIN @ ASHOK KUMAR GOLECHA [PETITIONER/APPELLANT]
IN BOTH THE PETITIONS]

Vs

STATE BY [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
SPE:CBI:ACB:
CHENNAI.
(RC MA 1 2004 A 0056)

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

(i) To exempt the petitioner from appearing on 01.02.2021 at 10.30 a.m before the Principal Special Judge for CBI Cases/VIII Additional City Civil Court, Chennai as per the condition imposed vide order dated 02.09.2016 in Crl.MP.No.9434 of 2016 in C.A.No.674 of 2016. (Crl.MP.No.1467/2021)

(ii) To relax the condition that the petitioner shall appear before the Principal Special Judge for CBI Cases/VIII Additional City Civil Court, Chennai on the first working day of every month at 10.30 a.m. imposed vide order dated 02.09.2016 in Crl.MP.No.9434 of 2016 in C.A.No.674 of 2016. (Crl.MP.No.1468/2021)

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.S.RAMACHANDRAN, Advocate for the petitioners, [IN BOTH THE PETITIONS] and of MR.K.SRINIVASAN, Special Public Prosecutor for CBI-cases, on behalf of the Respondents, [IN BOTH THE PETITIONS] the court made the following order:-

This petition has been filed seeking to relax the condition imposed by this Court in Crl.M.P.No.9434 of 2016 in C.A.No.674 of 2016 dated 02.09.2016 directing the petitioner to appear before the trial Court on the first working day of every month at 10.30 a.m. until further orders and also to exempt the petitioner from

appearing before the trial Court on 01.02.2021.

2.The learned counsel for the petitioner would submit that this Court had granted suspension of sentence in Crl.M.P.No.9434 of 2016 in C.A.No.674 of 2016 by order dated 02.09.2016 with a condition that the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. He would submit that the petitioner had been regularly complying with the condition right from the year 2016. While so, the petitioner was detected to have tumour in the right eye and subsequently, part of his eye lid was removed and he has been advised to be in bed rest and thereby, the petitioner was unable to appear before the trial Court on the first working day of February 2021. However, the petition for exemption had been filed before this Court on 25.01.2021. Thereby, he would seek for condonation of absence on the 1st of February 2021 and also for modification of the condition.

3. The learned Government Advocate (Crl. Side) would submit that the petitioner was regularly appearing before the Court.

4. In view of the above submissions, the condition imposed on the petitioner in Crl.M.P.No.9434 of 2016 in C.A.No.674 of 2016 dated 02.09.2016 is modified to that the effect that the petitioner shall appear before the trial Court once in every four months on the first working day of the particular month at 10.30 a.m. starting from June 2021, until further orders. The absence of the petitioner on 01.02.2021 is also condoned.

-sd/-

25/02/2021

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.

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TO

1 THE PRINCIPAL SPECIAL JUDGE,
FOR CBI CASES/VIII ADDITIONAL CITY CIVIL
COURT, CHENNAI.

2 THE INSPECTOR OF POLICE,
SPE,CBI,ACB,
CHENNAI.

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

+4 C.C. to M/S.S.RAMACHANDRAN Advocate on payment of necessary
charges SR.NO.2298, 2299

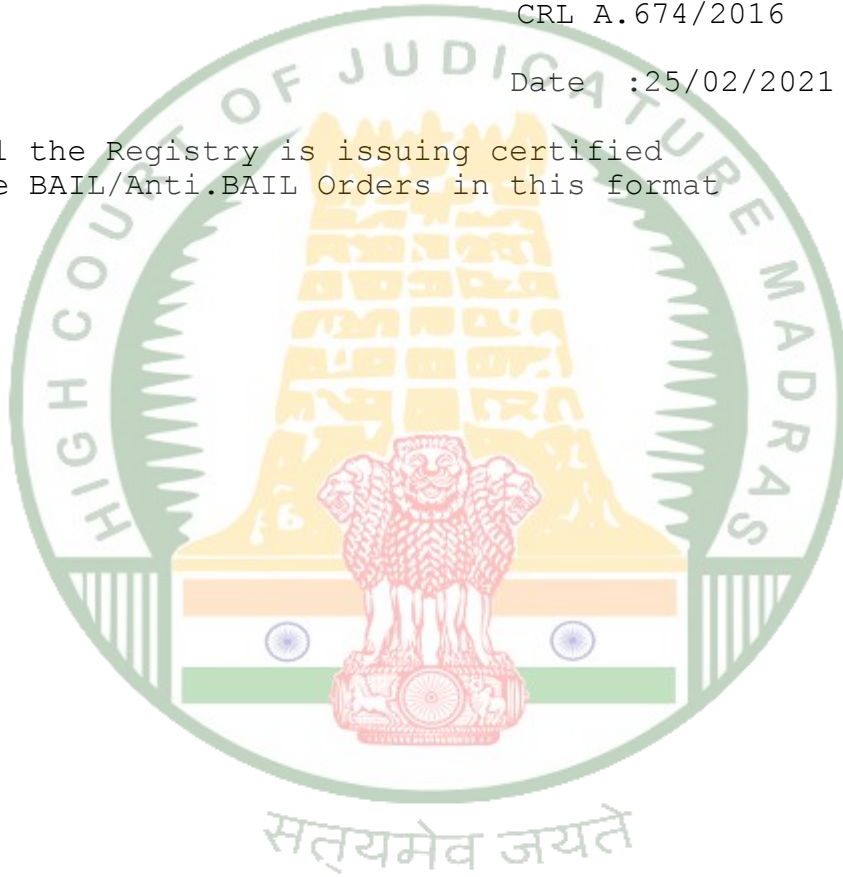
Order

in
CRL MP.1467 & 1468/2021
in
CRL A.674/2016

Date :25/02/2021

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TA-26/02/2021



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