

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of March Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.2398 of 2021

IN CRL.A.No.860 of 2016

SUNDARARAJAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SPE:CBI:ACB:
CHENNAI.

[RESPONDENT/COMPLAINANT]

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

(i) To direct the learned XI Additional Special Judge for CBI Cases, Chennai to condone the absence of the petitioner for the period of first working day of English Calendar Month i.e. 01.06.2020, 01.09.2020 and 01.12.2020 and permit the petitioner to comply the condition in future in view of the order passed by this Hon`ble court in Crl.M.P.No.13885/2019 in Crl.A.No.860/2016 by order dated 27.09.2019.

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.R.THIRUMOORTHY, 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 conditions imposed by this Court in Crl.M.P.No.13885 of 2019 dated 27.09.2019 in Crl.A.No.860 of 2016, directing the petitioner to appear before the XI Additional Special Judge for CBI Cases, Chennai, once in three months on the first working day of English Calendar month at 10.30 a.m. until further orders.

2. The learned Counsel for the petitioner would submit that this Court had suspended the sentence of the petitioner vide Crl.M.P.No.14031 of 2016 by order dated 23.12.2016 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. Later, this Court had modified the condition by order dated 27.09.2019 vide C.M.P.No.13885 of 2019 directing the petitioner to appear before the trial Court once in three months on the first working day of English Calendar month at 10.30 a.m. until further orders. He would submit that the petitioner was all along regularly complying with the conditions. However, during Covid pandemic situation, the petitioner was unable to appear before the trial Court during June, September and December 2020 and thereby, the present petition was filed on 01.02.2021. In the meantime, the petitioner who is aged 77 years, has been detected with Covid on 19.02.2021. Hence, he prays that the absence of the petitioner during June, September and December 2020 may be condoned and the petitioner may be permitted to continue complying with the condition from May 2021.

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 June, September and December 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 Months of June, September and December 2020 is condoned and the petitioner is permitted to continue complying with the condition as directed by this Court in Crl.M.P.No.13885 of 2019 dated 27.09.2019 in Crl.A.No.860 of 2016, starting from the first working day of May 2021.

5. Accordingly, this petition is ordered.

-sd/-

01/03/2021

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 FOR CBI CASES, CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>

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

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

+1 C.C. to M/S.R.THIRUMOORTHY, Advocate on payment of
necessary charges SR.NO.2578

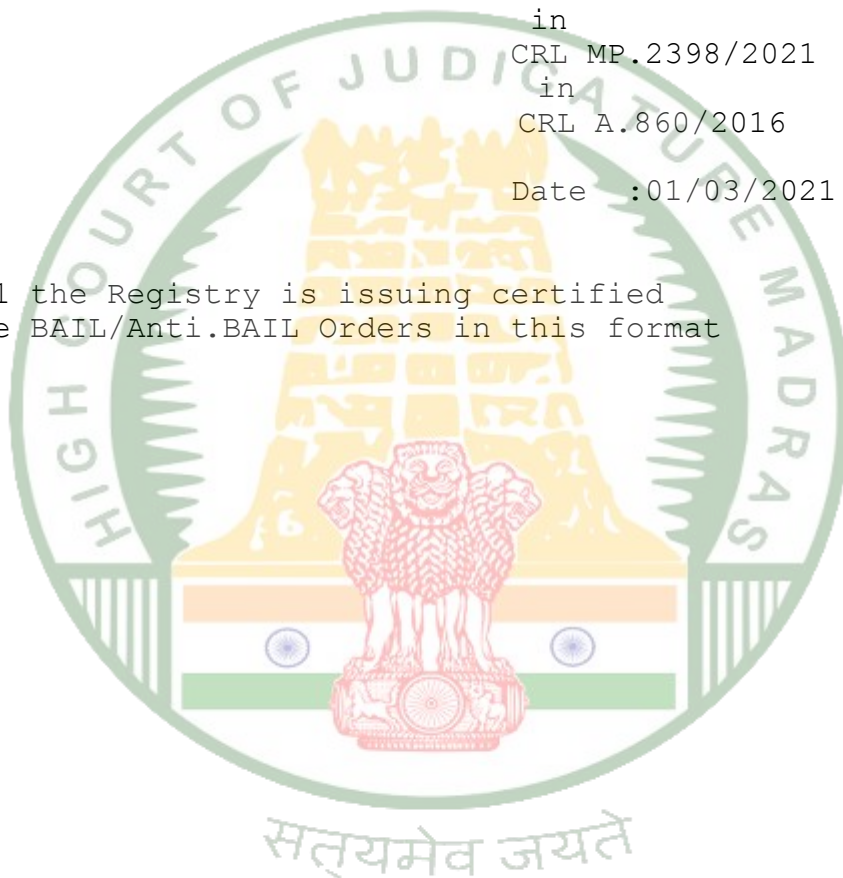
Order

in
CRL MP.2398/2021
in
CRL A.860/2016

Date :01/03/2021

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TA-04/03/2021



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