



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION NO.2684 OF 2021

IN CRL.A.NO.208 OF 2010

V.MANOHARAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE BY

[RESPONDENT / COMPLAINANT]

INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI.
(R.C.NO.12/A/2000)

Petition praying that in the circumstances stated therein the High Court will be pleased to condone the absence of the petitioner for non-appearance before trial court namely learned IX Additional Special Judge for CBI cases, Chennai on 02.11.2020 and 04.01.2021 as per the order passed in Crl.MP.No.1 of 2010 in Crl.A.No.208 of 2010 vide order dated 26.03.2010

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.C.P.PALANICHAMY, 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 for his non appearance before the trial Court namely learned IX Additional Special Judge for CBI Cases, Chennai, on 02.11.2020 and 04.01.2021 as per the order passed in Crl.M.P.No.1 of 2010 in Crl.A.No.208 of 2010 by order dated 26.03.2010.



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 in Crl.A.No.208 of 2010 by order dated 26.03.2010 directing the petitioner to report before the trial Court on the first working day of every alternative month at 10.30 a.m., until further orders. He would submit that the petitioner is aged 63 years and residing at Hyderabad and he was all along complying with the conditions regularly from the year 2010. Thereafter, during National wide lock down, he could not travel to Chennai and in the month of November 2020, his wife expired and thereafter, he had to underwent eye operation in the first week of January 2021 and thereby, the petitioner was unable to appear before the trial Court during the month of November 2020 and January 2021. Hence, the present petition has been filed seeking to condone the absence of the petitioner during the month of November 2020 and January 2021 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 and January 2021.

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 and January 2021, is condoned and the petitioner is permitted to continue complying with the condition as directed by this Court in Crl.M.P.No.1 of 2010 in Crl.A.No.208 of 2010 by order dated 26.03.2010, starting from the first working day of April 2021.

5. Accordingly, this petition is ordered.

-sd/-
08/03/2021

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 IX ADDITIONAL SPECIAL JUDGE FOR CBI CASES,
CHENNAI.

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

3 THE INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI.

+1C.C. to M/S.C.P.PALANICHAMY Advocate on payment of
necessary charges SR NO.3074

Order

in
CRL.MP.NO.2684/2021
in
CRL.A.NO.208/2010

Date :08/03/2021

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MK:17/03/2021