

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.4113 & 4115 of 2021

in CRL.A.No.579 OF 2016

AR.CHOKKALINGAM

[PETITIONER IN BOTH MPS]

Vs

STATE REP.BY

[RESPONDENT IN BOTH MPS]

THE INSPECTOR OF POLICE,

CBI/EOW, CHENNAI.

CR.NO.RC.8/E/CBI/EOW.

Petitions praying that in the circumstances stated therein the High Court will be pleased to

(i)condone the absence of the petitioner from 01.12.2020 to 01.03.2021 that the condition No.(iii) The Petitioner shall report before the trial court at 10.30 a.m. once in a month i.e. First working day of every month imposed by this Honble court in crl.MP.No.7935 of 2016 in C.A.No.579 of 2016 dated 23.08.2016.(IN CRL.MP.No.4113 OF 2021)

(ii) relax the condition No.(iii) The petitioner shall report before the trial court at 10.30 a.m. once in a month i.e. First working day of every month, imposed by this Honble court in Crl.MP.No.7935 of 2016 in C.A.NO.579 of 2016 dated 23.08.2016. (IN CRL.A.No.4115 OF 2021)

Order : These petitions coming on for orders upon perusing the petitions and upon hearing the M/S.J.RAMESH, arguments of Advocate(IN BOTH MPS)for the petitioner and of M/S K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES (IN BOTH MPS) on behalf of the Respondent the court made the following order:-

The Crl.M.P.No.4113 of 2021 has been filed, seeking to condone the absence of the petitioner in complying with the condition from 01.12.2020 to 01.03.2021 imposed by this Court in Crl.M.P.No.7935 of 2016 in C.A.No.579 of 2016 dated 23.08.2016 that "the the petitioner shall report before the trial Court at 10.30 a.m. once in a month i.e. on the first working day of every month until further orders".

2. The Crl.M.P.No.4115 of 2021 has been filed seeking to relax the condition No. (iii) imposed by this Court in Crl.M.P.No.7935 of 2016 in C.A.No.579 of 2016 dated 23.08.2016 that "the petitioner shall report before the trial Court at 10.30 a.m. once in a month i.e. on the first working day of every month".

3. The learned Counsel for the petitioner would submit that the petitioner had been granted suspension of sentence vide order dated 23.08.2016 in Crl.M.P.No.7935 of 2016 in C.A.No.579 of 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. until further orders. He would submit that the petitioner was regularly appearing before the trial Court from the year 2016 and thereafter, due to National wide lockdown on account of Covid, the petitioner was unable appear before the trial Judge and thereafter, since, the marriage of the petitioner's son was arranged, the petitioner could not appear before the trial Court during 01.12.2020 to 01.03.2021. Hence, he would pray that the absence of the petitioner during 01.12.2020 to 01.03.2021 may be condoned and that the condition imposed on the petitioner may be modified.

4. 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 01.12.2020 to 01.03.2021.

5. 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 December 2020 to March 2021 is condoned.

6. The condition imposed on the petitioner is modified to the effect that the petitioner shall appear before the trial Court once in three months at 10.30 a.m. on the first working day of the particular month until further orders, starting from June 2021.

7. Accordingly, the petitions are ordered.

-sd/-

30/03/2021

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 SESSIONS
JUDGE (SPECIAL JUDGE FOR CBI CASES RELATING
TO BANKING AND FINANCIAL INSTITUTIONS) CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, CENTRAL PRISION,
PUZHAL, CHENNAI

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

4 THE INSPECTOR OF POLICE,
CBI/EOW, CHENNAI.

C.C. to M/S.J.RAMESH Advocate on payment of necessary charges
SR.NO.4321

Order

in

CRL MP.Nos.4113 & 4115 of 2021

in CRL.A.No.579 OF 2016

Date :30/03/2021

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rvr 09/04/2021

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