



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.11007, 11008, 11009, 11010, 11011, 11012, 11015, 11051, 11052, 11054, 11055, 11056, 11058, 11059, 11161, 11162, 11163, 11164, 11165, 11167, 11168, 11169, 11170, 11172, 11173, 11174 & 11175 of 2021

D.D.Deenadayalan	... Petitioner in Crl OP.11007 of 2021
T.D.Naidu	... Petitioner in Crl OPs.11009, 11010, 11011, 11015, 11051, 11052, 11055, 11161, 11163, 11168, 11170, 11172, 11173 of 2021
Deenadayalan Naidu	... Petitioner in Crl.OPs.11012, 11058, 11162, 11165, 11174/2021
Deenadayalan Naidu	... Petitioner in Crl.OPs.11054, 11056, 11059, 11069/2021
D.D.Naidu	... Petitioner in Crl.OP.11175/2021
T.D.Naidu @ Deenadayala Naidu	... Petitioner in Crl.OP.11008/2021
T.D.Naidu @ D.D.Naidu	... Petitioner in Crl.OP.11164/2021

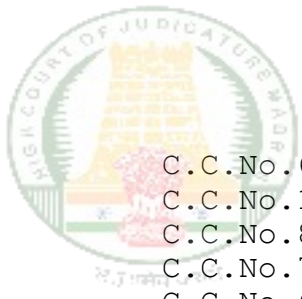
Vs.

The State represented by,
Inspector of Police,
District Crime Branch,
Thiruvallur District. ... Respondent in all cases except
Crl.OPs.11164 & 11168/2021

The State rep by Deputy
Superintendent of Police
District Crime Branch
Thiruvallur District ... Respondent in Crl.OP.11164/2021

The State rep by
Inspector of Police
Naxalite Special Division
Thiruvallur District Respondent in Crl.OP.11168/2021

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Thiruthani to recall the Non Bailable Warrant issued against the petitioner in



C.C.No.60/2018	dated	10/02/2021	(Crl.OP.No.11007/2021),
C.C.No.107/2019	dated	17/02/2021	(Crl.OP.No.11008/2021)
C.C.No.82/2018	dated	10/03/2021	(Crl.OP.No.11009/2021)
C.C.No.79/2018	dated	01/03/2021	(Crl.OP.No.11010/2021)
C.C.No.62/2018	dated	01/02/2021	(Crl.OP.No.11011/2021)
C.C.No.21/2013	dated	11/01/2021	(Crl.OP.No.11012/2021)
C.C.No.80/2018	dated	23/02/2021	(Crl.OP.No.11015/2021)
C.C.No.38/2019	dated	05/03/2021	(Crl.OP.No.11051/2021)
C.C.No.162/2015	dated	11/01/2021	(Crl.OP.No.11052/2021)
C.C.No.01/2019	dated	15/04/2021	(Crl.OP.No.11054/2021)
C.C.No.83/2018	dated	16/02/2021	(Crl.OP.No.11055/2021)
C.C.No.97/2018	dated	21/01/2021	(Crl.OP.No.11056/2021)
C.C.No.23/2013	dated	16/02/2021	(Crl.OP.No.11058/2021)
C.C.No.98/2018	dated	08/02/2021	(Crl.OP.No.11059/2021)
C.C.No.234/2015	dated	11/01/2021	(Crl.OP.No.11161/2021)
C.C.No.24/2013	dated	11/01/2021	(Crl.OP.No.11162/2021)
C.C.No.63/2018	dated	26/02/2021	(Crl.OP.No.11163/2021)
C.C.No.33/2019	dated	27/01/2021	(Crl.OP.No.11164/2021)
C.C.No.25/2013	dated	11/01/2021	(Crl.OP.No.11165/2021)
C.C.No.107/2018	dated	08/04/2021	(Crl.OP.No.11167/2021)
C.C.No.81/2018	dated	15/04/2021	(Crl.OP.No.11168/2021)
C.C.No.108/2018	dated	24/02/2021	(Crl.OP.No.11169/2021)
C.C.No.161/2015	dated	11/01/2021	(Crl.OP.No.11170/2021)
C.C.No.39/2019	dated	21/01/2021	(Crl.OP.No.11172/2021)
C.C.No.160/2015	dated	11/01/2021	(Crl.OP.No.11173/2021)
C.C.No.22/2013	dated	21/01/2021	(Crl.OP.No.11174/2021)
C.C.No.36/2019	dated	21/01/2021	(Crl.OP.No.11175/2021)

respectively pending on the file of Judicial Magistrate, Thiruthani.

In all cases:

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Crl. Side)

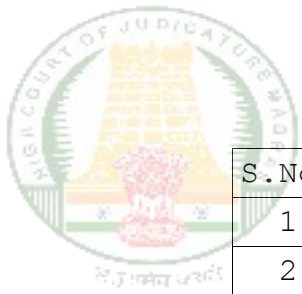
COMMON ORDER

The petitioner, who is the first accused in all the cases, has filed these petitions to recall the Non Bailable Warrants issued against him in all the cases, dated 11.01.2021, 21.01.2021, 27.01.2021, 01.02.2021, 06.02.2021, 10.02.2021, 16.02.2021, 17.02.2021, 22.02.2021, 23.02.2021, 24.02.2021, 26.02.2021, 01.03.2021, 05.03.2021, 09.03.2021, 10.03.2021, 17.03.2021, 15.04.2021 and 04.05.2021 by the learned Judicial Magistrate, Thiruthani.



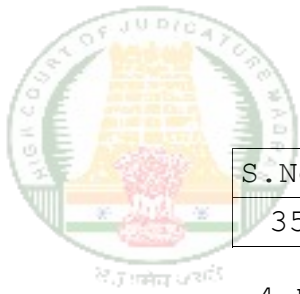
2.The learned counsel for the petitioner submitted that the petitioner is the Chairman and Managing Trustee of M/s.D.D Medical and Educational Trust. M/s.D.D Medical College and Hospital was established by the petitioner in the year 2010 and was affiliated to the Tamil Nadu Dr.M.G.R Medical University. For the academic year 2010-2011, the entrance exam was conducted by the Dean of M/s.D.D Medical College and Hospital. The admission of the students was subjected to approval of MCI University and as per the guidelines of the Hon'ble Apex Court. Accordingly, totally 150 students were admitted in M/s.D.D Medical College and Hospital by the Tamil Nadu Dr.M.G.R Medical University and approved by MCI. All exams were conducted by the Tamil Nadu Dr.M.G.R Medical University for the first, second and third year MBBS students and the university examination results were duly published in the website of the Tamil Nadu Dr.M.G.R Medical University. For the subsequent academic year 2011-2012, the renewal permission for the admission of students for the academic year 2011-2012 was granted by MCI and the same was kept with custody of the then Secretary, MCI viz., Sangeetha Sharma, who demanded Rs.30 Crores for communication of the order of renewal of permission and approval for admission of students. Thereafter, the petitioner lodged a complaint dated 22.07.2011 to the Central Vigilance Commission and to the Director of the Central Bureau of Investigation and other officials. Finally, the MCI statutory body was dissolved on 25.09.2020 due to number of malpractices. The refusal for renewal of permission, the petitioner's College had filed Writ Petitions, Writ Appeals before this Court and later, SLP was preferred before the Hon'ble Apex Court. Pending litigations, for the academic year 2012-2013, the students were also admitted. Since the petitioner made complaint against MCI to the Central Vigilance Commission and to the Director of the Central Bureau of Investigation, the petitioner was targeted and victimized.

3.The learned counsel further submitted that the petitioner's college had given an advertisement in the newspaper for the academic year 2011-2012 and 2012-2013 and the entrance conducted was by the Dean of M/s.D.D Medical College and Hospital and list of meritorious students and their ranks were posted in the college website and same were submitted to the Tamil Nadu Dr.M.G.R Medical University for their perusal and consideration. In the advertisement, it is clearly mentioned that the admission is provisional, subject to approval by MCI University or direction of this Court. This being the case, several students, their parents and others lodged a complaint against the petitioner for offence under Sections 406, 420, 204 (b) and 506(i) r/w 34 IPC. During the year 2012-13, totally 35 cases have been registered and final report have been filed in all the cases are as follows:-



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S.No.	Crime Number	Case Number
1	Crime No.30 of 2012	C.C.No.21 of 2013
2	Crime No.31 of 2013	C.C.No.22 of 2013
3	Crime No.32 of 2013	C.C.No.23 of 2013
4	Crime No.34 of 2013	C.C.No.24 of 2013
5	Crime No.35 of 2013	C.C.No.25 of 2013
6	Crime No.51 of 2013	C.C.No.160 of 2015
7	Crime No.52 of 2013	C.C.No.161 of 2015
8	Crime No.53 of 2013	C.C.No.162 of 2016
9	Crime No.50 of 2013	C.C.No.234 of 2015
10	Crime Nos.21 & 22 of 2013	C.C.No.60 of 2018
11	Crime Nos.24 & 25 of 2013	C.C.No.61 of 2018
12	Crime Nos.26, 27 & 28 of 2013	C.C.No.62 of 2018
13	Crime Nos.29, 30 & 31 of 2013	C.C.No.63 of 2018
14	Crime Nos.32, 33 & 34 of 2013	C.C.No.64 of 2018
15	Crime Nos.20 & 155 of 2013	C.C.No.79 of 2018
16	Crime Nos.35, 36 & 37 of 2013	C.C.No.80 of 2018
17	Crime Nos.38, 39 & 40 of 2013	C.C.No.81 of 2018
18	Crime No.42 of 2018	C.C.No.82 of 2018
19	Crime No.12 of 2014	C.C.No.83 of 2018
20	Crime No.54 of 2018	C.C.No.105 of 2018
21	Crime Nos.43 & 63 of 2013	C.C.No.106 of 2018
22	Crime No.49 of 2010	C.C.No.107 of 2018
23	Crime Nos.54, 56 & 58 of 2018	C.C.No.108 of 2018
24	Crime No.56 of 2010	C.C.No.97 of 2018
25	Crime No.53 of 2010	C.C.No.98 of 2018
26	Crime No.1 of 2014	C.C.No.1 of 2019
27	Crime No.62 of 2019	C.C.No.32 of 2019
28	Crime No.45 of 2010	C.C.No.33 of 2019
29	Crime No.55 of 2010	C.C.No.35 of 2019
30	Crime No.73 of 2013	C.C.No.36 of 2019
31	Crime Nos.57, 59 & 63 of 2013	C.C.No.37 of 2019
32	Crime No.65 of 2013	C.C.No.38 of 2019
33	Crime Nos.69, 71 & 72 of 2013	C.C.No.39 of 2019
34	Crime No.49 of 2013	C.C.No.107 of 2019



S.No.	Crime Number	Case Number
35	Crime No.41 of 2013	C.C.No.108 of 2019

4. During the pendency of the above cases, the petitioner filed discharge petitions in almost all the cases. The discharge petitions were dismissed by the trial Court without granting sufficient time to argue the case. Thereafter, the petitioner applied for certified copy of the orders to file revision against the dismissal of the discharge petitions. So far the petitioner has not received the order copies and the petitioner's statutory right was curtailed.

5. The learned counsel for the petitioner further submitted that the petitioner has been regularly appearing before the trial Court till December 2020. In the month of December 2020, the petitioner tested positive for COVID-19 and took treatment for the same. The petitioner is having Chronic Sugar level, high blood pressure and heart issues and he was advised to take bed rest and to avoid movement and he was prone for COVID-19 because of the other health issues and hence, he had to be in self isolation almost all the period. During quarantine, the petitioner was regularly represented through his counsel before the trial Court. The petitioner filed a memo informing the trial Court about his health condition. This Court as well as the Hon'ble Apex Court had given directions not to take coercive action in view of the prevailing COVID-19 pandemic situation. On the other hand, the trial Court recorded that due to the direction of this Court to complete the cases within a period of three months, the petitioner not informed the place of treatment, the petitioner despite aware about the directions of this Court, failed to produce the medical records and except the petitioner, the other accused are appearing before the trial Court, issued the Non Bailable Warrants against him in the following cases:-

S.No.	Calender Case Number	Date of Warrant Issued
1.	C.C.No.21 of 2013	11.01.2021
2.	C.C.No.22 of 2013	21.01.2021
3	C.C.No.23 of 2013	16.02.2021
4	C.C.No.24 of 2013	11.01.2021
5	C.C.No.25 of 2013	11.01.2021
6	C.C.No.160 of 2015	11.01.2021
7	C.C.No.161 of 2015	11.01.2021
8	C.C.No.162 of 2015	11.01.2021
9	C.C.No.234 of 2015	11.01.2021



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S.No.	Calender Case Number	Date of Warrant Issued
10	C.C.No.60 of 2018	10.02.2021
11	C.C.No.62 of 2018	01.02.2021
12	C.C.No.63 of 2018	26.02.2021
13	C.C.No.79 of 2018	01.03.2021
14	C.C.No.80 of 2018	23.02.2021
15	C.C.No.81 of 2018	15.04.2021
16	C.C.No.82 of 2018	10.03.2021
17	C.C.No.83 of 2018	16.02.2021
18	C.C.No.107 of 2018	08.04.2021
19	C.C.No.108 of 2018	24.02.2021
20	C.C.No.97 of 2018	21.01.2021
21	C.C.No.98 of 2018	08.02.2021
22	C.C.No.1 of 2019	15.04.2021
23	C.C.No.33 of 2019	27.01.2021
24	C.C.No.36 of 2019	21.01.2021
25	C.C.No.38 of 2019	05.03.2021
26	C.C.No.39 of 2019	21.01.2021
27	C.C.No.107 of 2019	17.02.2021

6.The learned Government Advocate (Crl. Side) appearing on behalf of the respondent submitted that the petitioner is the cause for the delay in progress of the trial. In this case, the final reports have been filed from the year 2013 onwards till 2019. The petitioner by adopting dilatory tactics, dragging on the proceedings and not allowing the trial Court to complete the trial. There is a direction of this Court to complete the trial within a stipulated period. The petitioner though informed through the memo that he is taking treatment for COVID-19 and he is in self isolation, the particulars and details were not submitted to the trial Court. Hence, Non Bailable Warrants were issued against him. The petitioner is absconding accused and all efforts are taken to secure him. He would be secured shortly.

7.This Court considered the rival submissions and perused the materials available on record.

8.The Non Bailable Warrants have been issued from the month of January 2021 to May 2021 against the petitioner in the above cases. Till date the respondent Police is unable to execute the



warrants. Now, the petitioner has come forward to recall the Non Bailable Warrants with an undertaking that he will cooperate with the trial and, will not be the reason for any delay in progress of the trial.

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9. Considering the facts and circumstances of the case and on the undertaking given by the petitioner, this Court directs the learned Judicial Magistrate, Thiruthani to recall the Non Bailable Warrants issued against the petitioner in all the cases with the following conditions:-

(i) The petitioner shall file an affidavit in each case that in all future hearings, he or his counsel shall appear and cooperate with the trial and they will not be cause for any delay in any manner.

(ii) The petitioner shall cross examine the prosecution witnesses in all the cases then and there without seeking adjournments.

(iii) The petitioner shall appear before the trial Court at the time of framing of charges, questioning under Section 313 Cr.P.C., and at the time of receiving the judgment and as and when the petitioner is directed by the trial Court to appear in the cases.

(iv) The petitioner voluntarily came forward to pay Rs.5,000/- in each case (Rs.5,000/- X 27 cases challenged in the above petitions = Rs.1,35,000/-) to the Bar Association, Thiruthani; the Advocate Association, Thiruthani and the Lawyers Association, Thiruthani. The petitioner shall pay the said amount of Rs.1,35,000/- to the three Associations (each Rs.45,000/-) and produce the receipt of the same, at the time of filing of the affidavit, before the trial Court.

10. With the above directions, all Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Thiruthani.



Copy to :

1. The Secretary,
Bar Association,
Thiruthani
2. The Secretary,
Advocate Association,
Thiruthani
3. The Secretary,
Lawyers Association,
Thiruthani

CrI.O.P.Nos.11007, 11008, 11009,
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11165, 11167, 11168, 11169, 11170,
11172, 11173, 11174 & 11175 of 2021

GPL (CO)
K.RK. (24.08.2021)