



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02..12.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Criminal Original Petition No.22868 of 2021

L.Sethuramalainga Pandian

... Petitioner/Accused 9

-Versus-

The Inspector of Police,
CBI: EOW: Chennai.
(FIR No.RC 15/E/2009/CBI/EOW/Chennai.

... Respondent/Complainant

Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the learned Judicial Magistrate-II, Karaikal, to entertain the petition filed by the petitioner under Section 70(2) of Cr.P.C. in C.c.No.333 of 2010 without insisting upon his appearance.

For Petitioner

: Mr.H.Rajasekar

For Respondent

: Mr.K.Srinivasan,
Spl. Public Prosecutor
for CBI Cases

ORDER

This petition has been filed seeking a direction to the learned Judicial Magistrate-II, Karaikal, to entertain the petition filed by the petitioner in C.C.No.333 of 2010 under Section 70(2) of Cr.P.C. seeking to recall the Non Bailable Warrant issued against him without insisting for his personal appearance

2. There are totally 21 Accused in this case and the petitioner has been arrayed as A9. He has been charged with for the offences u/s 120-B r/w 420 of IPC, Section 7 (1)(a)(ii) and 10 r/w 3 of The Essential Commodities Act, 1955 r/w Clause 25(1) and (2) of The Fertilizers Control Order, 1985 and Section 25(1) (a) and 33 r/w Section 5 of The Arms Act, 1959.



3. The petitioner is 91 years old man. It is stated by the petitioner that he has been taking treatment cervical spondylosis with radiculopathy and the Doctor has advised him to take complete bed rest. Earlier, he had filed an application under Section 227 of Cr.P.C. seeking to discharge him from the charges framed against him. Pending such application, he had filed another application under Section 317 of Cr.P.C. seeking to dispense with his personal appearance. That application was dismissed and the trial court while dismissing the petition had proceeded to issue a Non Bailable Warrant against the petitioner. Immediately, the petitioner filed an application under Section 70(2) of Cr.P.C. seeking to recall the non bailable warrant, however, the trial court had returned that petition insisting on the appearance of the petitioner, Hence, the present petition.

4. Heard both sides.

5. Having regard to the advanced age of the petitioner and the old age related-diseases and also the other circumstances of the case, this court, without going into the merits of the claim of the petitioner, directs the petitioner to re-present his petition filed under Section 70(2) of Cr.P.C. within a period of one week from the date of receipt of a copy of this order and on such re-presentation, the trial court shall entertain the same without insisting for the personal appearance of the petitioner and pass appropriate orders on merits and in accordance with law, on the same day. This Criminal Original Petition is disposed of accordingly with the above directions.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Judicial Magistrate-II,
Karaikal, Puducherry.
2. Do-Through,
The Chief Judicial Magistrate,
Pondicherry.



3. The Inspector of Police,
CBI: EOW: Chennai.
(FIR No.RC 15/E/2009/CBI/EOW/Chennai.

WEB COPY

4. The Public Prosecutor,
High Court, Madras -104.

+lcc to Mr.H.Rajasekar, Advocate, S.R.No.63219

Cr1.O.P.No.22868 of 2021

EV(CO)
SU(02/12/2021)