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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8536 of 2022

and

Crl.M.P.No.4976 of 2022

Yogesh Bakshi

...Petitioner

Vs.

State represented by  
The Inspector of Police,  
CBI/SPE/ACB/Chennai.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 29.09.2021 in C.C.No.1 of 1998 of the learned XIII Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr. C. Manishankhar, Senior Advocate  
for Mr. K. Krishnamoorthy

For Respondent: Mr. K. Srinivasan,  
Special Public Prosecutor for CBI Cases

O R D E R

This is a petition to set aside the order dated 29.09.2021 in C.C.No.1 of 1998 on the file of XIII Additional Special Judge for CBI Cases, Chennai.

2. The order dated 29.09.2021 is that "A2 to A6 are present, A1 and A7 are absent. A7 is not appearing before this Court. There is no representation for both A1 and A7. Therefore, issue NBW against A7 by 28.10.2021".

3. Learned counsel for the petitioner submitted that in a parallel proceedings challenging the final report, the Hon'ble Supreme Court has granted stay of further proceedings in C.C.N.1 of 1998 on 24.08.2015 in SLP.No.6692/2015 subsequently, it is numbered as Crl.A.No.496 of 2017. Petitioner had been



regularly appearing before the Court and he was not able to appear on 29.09.2021. Therefore, NBW was ordered against him.

4. Now, this petition is filed for setting aside the order for issuing NBW against the petitioner. It is seen that proceedings in C.C.No.1 of 1998 was stayed by the Hon'ble Supreme Court. This Court is of the considered view that the order of issuing NBW against the petitioner for not appearing for one hearing has to be set aside. However, the petitioner cannot directly file this petition in this Court. Petitioner is now claimed to be out of India. Therefore, petitioner is directed to file an appropriate petition before the concerned Court. On such filing, the learned XIII Additional Special Judge for CBI Cases, Chennai is directed to dispose the petition on merits and in accordance with law, without insisting the personal appearance of the petitioner, after verifying the claim that petitioner is presently out of India.

5. Accordingly, this petition is disposed of. Consequently, connected miscellaneous petition is closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

AT

To

1.The XIII Additional Special Judge for CBI Cases,  
Chennai.

2.The Inspector of Police,  
CBI/SPE/ACB/Chennai.

3. The Public Prosecutor  
High Court, Madras 104.

+1 CC to Mr. K. Krishnamoorthy, Advocate sr 26191.

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SKM(CO)  
SP(04/05/2022)