



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL MISCELLANEOUS PETITION No.6015 of 2022
IN CRL A.404/2018

ROHIT BALA SUBRAMANIAM

[PETITIONER]

Vs

THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU (NCB),
CHENNAI ZONAL UNIT,
CHENNAI-600 090.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the condition imposed in 17 vi After discharge from the hospital, the petitioner shall report before the trial court every Monday at 10.30 a.m. until further orders on the petitioners vide order in Crl.MP.5039/2020 in Crl.A.No.404/2018 dated 15.09.2020.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.ANAND GROVER Advocate for M/S.OJAS LAW FIRM, Advocate for the petitioner and of M/S.N.P.KUMAR, SPECIAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition is filed to relax one of the condition imposed on the petitioner by this Court in Crl.M.P.No.5039 of 2020 in Crl.A.No.404 of 2018 dated 15.09.2020.

2.Heard Mr.Anand Grover, learned senior counsel appearing for the petitioner and Mr.N.P.Kumar, learned Special Public Prosecutor appearing for the respondent.

3.The petitioner/accused in C.C.No.36 of 2015 was convicted by the I Additional Special Court for Trial of Cases under the NDPS Act, Chennai by judgment dated 31.05.2018. Against which, the petitioner preferred an appeal before this Court in Crl.A.No.404 of 2018 , thereafter filed a petition to suspend the sentence in Crl.M.P.No.5039 of 2020. This Court by order dated 15.09.2020 suspended the sentence and granted bail to the petitioner with conditions. One of the condition imposed on the petitioner is that



"After discharge from the hospital, the petitioner shall report before the Trial Court every Monday at 10.30 a.m. until further orders".

4.The learned senior counsel appearing for the petitioner submitted that the petitioner was a Final year Engineering student in the College of Engineering and Technology, SRM Institute of Science and Technology [SRMIST], Kattankalathur at the time when he was involved in the offence, after a gap of six years, now he is continuing his education and since February 2022, the petitioner is attending the classes regularly. He further submitted that the time table was issued by SRMIST, College of Engineering and Technology for Compensatory Courses [EVEN] Semester [2021-2022] Phase I and the examination was slated between 29.04.2022 and 14.05.2022. It is further submitted that in between the examination dates, 02.05.2022 and 09.05.2022 falls on Monday. Hence, the petitioner sought for relaxation on these two days, i.e. 02.05.2022 and 09.05.2022, so that he can attend the examination.

5.The learned Special Public Prosecutor vehemently opposed this petition by stating that the petitioner is to appear for examination only through online mode and he can very well appear before the Trial Court and attend the online examination. Hence, he prayed for dismissal of this petition.

6.Considering the submissions made and on perusal of the materials, it is not in dispute that the petitioner is an Engineering College student and he has to attend the examination. Further, though the examination might be through online, timing for the examination is between 10.00 a.m. to 11.30 a.m. The Courts start functioning from 10.30 a.m. and normally, the appearance of the accused is noted from 10.30 a.m. to 11.30 a.m. depending upon the number of persons, which would definitely be a hindrance for the petitioner to appear for the examination. Further, psychologically the petitioner/student's mind should be clear and peaceful while attending the examination.

7.In view of the above, this Court is of the opinion that whatever mode may be the examination the petitioner's appearance before the Trial Court on 02.05.2022 and 09.05.2022 is exempted. The petition is ordered accordingly.

-sd/-

28/04/2022

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 I ADDITIONAL SPECIAL JUDGE
FOR TRIAL OF CASES UNDER THE NDPS ACT,
CHENNAI

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

3 THE TTK HOSPITAL,
17, IVMAIN ROAD, INDIRA NAGAR, ADYAR,
CHENNAI-600 020.

4 THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU (NCB), CHENNAI
ZONAL UNIT, CHENNAI-600 090.

+2 C.C. to M/S.OJAS LAW FIRM Advocate on payment of necessary
charges SR.NO.6429

Order

in
CRL MP.6015/2022

in
CRL A.404/2018

Date :28/04/2022

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RVR 28/04/2022