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Crl.OP.No.31557 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31557 of 2022

and

Crl.M.P.No.19313 of 2022

G.Jayaraman

... Petitioner

Vs.

The Inspector of Police,
Central Crime Branch, Team -18,
Chennai

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a commission for questioning the petitioner/Accused -1 through video conferencing by appointing a commission for questioning the petitioner/Accused-1 through video conferencing by appointing a commission in C.C.No.51 of 2022 pending on the file of the learned Metropolitan Magistrate, Special Court for the Exclusive Trial of Land Grabbing Cases-2, Allikulam Complex, Chennai.

For Petitioner : Mr. H.Maruthi Raj

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER



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This Criminal Original Petition has been filed seeking direction to issue a commission for questioning the petitioner/Accused -1 through video conferencing by appointing a commission for questioning the petitioner/Accused-1 through video conferencing by appointing a commission in C.C.No.51 of 2022 pending on the file of the learned Metropolitan Magistrate, Special Court for the Exclusive Trial of Land Grabbing Cases-2, Allikulam Complex, Chennai.

2. The learned Counsel for the petitioner submitted that the petitioner is suffering from right hemiplegia diabetes mellitus, hypertension and right lower limb ischemia and the petitioner underwent lower limb SPA Angioplasty and Anterior Tibial Angioplasty and he is bed ridden and unable to move completely for the past 6 months. Therefore, the petitioner was not able to appear before the trial Court to face the trial in C.C.No.51 of 2022, however, the trial was conducted in his absence and through the representation by his Counsel under Section 317 of Cr.P.C. Thereafter, the case was posted for questioning under Section 313 of Cr.P.C on 09.12.2022. The trial Court insisted the appearance of the petitioner and hence the petitioner filed a petition under Section 317 of



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Cr.P.C on 14.12.2022 for condoning the absence and the same was dismissed and Non-Bailable Warrant was ordered as against the petitioner. Under such circumstances, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, if appropriate petition is filed before the learned Judicial Magistrate, direction may be issued for considering the petition on merits.

4. In the light of the facts narrated above, this Court finds from the medical certificate produced by the petitioner that, the petitioner is bedridden and he is not able to appear before the trial Court.

5. Therefore, the learned counsel for the petitioner is directed to file appropriate petition before the learned Metropolitan Magistrate, Special Court for the Exclusive Trial of Land Grabbing cases -2, Chennai. On filing of such petition, the learned Metropolitan Magistrate is directed to verify the claim of the petitioner, if necessary, through the respondent police and pass appropriate



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orders. If really the petitioner is not able to move, his request for examination through commission or video conferencing to be considered favourably. The Non-Bailable Warrant issued as against the petitioner shall be recalled.

6. With the above observations and directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

21.12.2022

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To.

1. The Inspector of Police,

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2. The Metropolitan Magistrate,
Special Court for the Exclusive Trial of
Land Grabbing cases -2, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

Sma

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