



Crl.R.C.Nos.477 & 745 of 2022
& Crl.M.P.Nos.4939 & 7636 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 10.08.2023

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.Nos.477 & 745 of 2022
& Crl.M.P.Nos.4939 & 7636 of 2022

Shri Rabindra Kumar Bhalotia (M/67 Years),
S/o.Late Anti Prasad Bhalotia,
Represented by Mr.Prateek Bhalotia (M/40 years),
Proprietor of M/s.Ridhi Siddhi Udyog,
No.238A, AJC Bose Road,
Kolkota – 700 020.
R/o.No.14, Asoka Road, Alipore
Kolkata 700 027.

... Petitioner/Accused No.2
in both cases

/versus/

State, Represented by,
Inspector of Police,
CBI, ACB, Chennai.

... Respondent/Complainant
in both cases

Prayer in Crl.R.C.No.477 of 2022:- Criminal Revision Petitions are filed under Section 397 and 401 of Cr.P.C., 1973, pleaded to set aside the impugned order dated 11.03.2022 passed by the Learned Principal Special Judge for CBI Cases, VIII Additional, City Civil Court, Chennai in Crl.M.P.No.3244 of 2020 in C.C.No.5 of 2020 and to pass any other order or orders as this Hon'ble Court deems fit in the interest of justice.



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Prayer in Crl.R.C.No.745 of 2022:- Criminal Revision Petitions are filed under Section 397 and 401 of Cr.P.C., 1973, pleaded to set aside the impugned order dated 11.03.2022 passed by the Learned Principal Special Judge for CBI Cases, VIII Additional, City Civil Court, Chennai in Crl.M.P.No.3237 of 2020 in C.C.No.17 of 2020 and to pass any other order or orders as this Hon'ble Court deems fit in the interest of justice.

For Petitioner : Mr.Arun C.Mohan
in both cases

For Respondent : Mr.K.Srinivasan,
in both cases Special Public Prosecutor, (C.B.I)

COMMON ORDER

On certain medical records, the petitioner claims that, he is physically crippled not fit to move out from Kolkata and also mentally not stable to answer the charges. This Court, earlier sought for an independent opinion from the team of Doctors and report is also furnished. Nowhere, this Court could not find that, the petitioner can be exempted for being present and answer the charges framed by the trial Court. The matter of the year 2015 is still pending, due to the discharge petition filed by this petitioner, which came to be dismissed on 15.10.2020 and thereafter, the present Criminal Revision Petitions.

2. The trial Court directed the petitioner to appear on 02.11.2020



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to answer the charges framed by the Court. On that day, this petitioner has filed Crl.M.P.No.3237 of 2020 & Crl.M.P.No.3244 of 2020, to postpone all the further proceedings till the medical conditions of the petitioner gets recovered and he retains his sound state of mind. The said petition was opposed by C.B.I, stating that, there are evidence to show that this petitioner was operating his bank account all along and the medical documents does not substantiate that, he should be treated as a person of unsound mind or not capable for answering the charges framed by the trial Court. The Learned trial Judge has accepted the counter and dismissed the petition filed under Section 329 of Cr.P.C.

3. The present petition is filed challenging the order of the trial Court. When this matter was pending, as stated above, fresh medical report was called for and that was also furnished. However, this could not make out that the experts opinion shows the petitioner is unsound state of mind to take the advantage of the provisions filed under Section 329 of Cr.P.C.

4. In the said circumstances, these Criminal Revision Case are



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dismissed. If this petitioner is ready to co-operate with trial and come down to answer the charges framed by the trial Court, later on the medical ground, the physical presence for the subsequent days may be considered.

5. With the above observation, these ***Criminal Revision Cases are dismissed.*** Consequently, connected Miscellaneous Petitions are closed.

10.08.2023

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non Speaking Order
bsm

Copy to:-

1. The Principal Special Judge for CBI Cases, VIII Additional, City Civil Court, Chennai.
2. Inspector of Police, CBI, ACB, Chennai.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

bsm

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