



Crl.R.C.No.2282 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 29.02.2024**

CORAM

**THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.R.C.No.2282 of 2023**

**and**

**Crl.M.P.No.20307 of 2023**

Arunraj

... Petitioner/Accused No.4

Vs.

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

... Respondent/Complainant

**PRAYER** : Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order of the learned XIV Additional Special Judge, CBI cases and discharge the petitioner in C.C.No.17 of 2022, order dated 07.11.2023.



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For Petitioner : Mr.N.Vignesh  
for Mr.B.Nedunchezhiyan  
For Respondent : Mr.K.Srinivasan,  
Special Public Prosecutor for CBI  
cases

### **ORDER**

The Criminal Revision Case has been filed seeking to set aside the order dated 07.11.2023 passed by the learned XIV Additional Special Judge for CBI cases and to discharge the petitioner in C.C.No.17 of 2022.

2. Mr.N.Vignesh, learned counsel for the petitioner submitted that though there are several arguable points available in this case, he is not pressing this revision petition and he has also made an endorsement to that effect. He further submitted that the petitioner is a resident of Kerala and having several ailments and thereby, he would only pray that the presence of the petitioner before the Trial Court may be dispensed with unless otherwise required by the trial Court.

3. The respondent Police has filed a Counter before this Court today.



4. Taking into consideration the submission made by the learned counsel for the petitioner, the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present before the trial Court on initial questioning, reply to charges and at the time of framing charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

5. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief or any other day fixed by the trial Judge. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial Judge for the purpose of identification or progress of the trial. If the petitioner adopts any dilatorial tactics, it is open to the trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of the Hon'ble Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in **2001 (4) SCC 667**.



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6. With the above observations, the Criminal Revision Case stands dismissed as withdrawn. Consequently, connected miscellaneous petition is also closed.

**29.02.2024**

vca

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No



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To  
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1. The Inspector of Police,  
SPE:CBI,  
ACB, Chennai.
2. The Special Public Prosecutor For CBI,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

*vca*

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and  
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**29.02.2024**