



Crl.A.No.1624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Salavudeen

... Appellant/Accused

Vs.

Union of India rep. by,
The Deputy Superintendent of Police,
National Investigation Agency,
Chennai.
(RC.No.33/2018/NIA/DLI)

... Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 21(1) of NIA Act, to call for the records in order dated 08.12.2023 in Crl.M.P.No.2455 of 2023 in Spl.S.C.No.19 of 2022 on the file of the Special Court for NIA Cases, Ponnammallee, Chennai and set aside the same and release the petitioner.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor



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JUDGMENT

(Judgment of the Court was delivered by *SUNDER MOHAN, J.*)

It is the admitted case that pursuant to the order of this Court, the appellant was released on bail and was regularly appearing before the Trial Court. On 06.12.2023, since the appellant's house was inundated with flood water, he was unable to appear before the Trial Court and the Trial Court issued a non-bailable warrant to the appellant on the said day. The appellant thereafter surrendered before the Trial Court on 08.12.2023 and filed Crl.M.P.No.2455 of 2023 for recall of warrant but the same was dismissed. The Trial Court in its order had observed that the appellant and the other co-accused have been protracting the trial on some pretext or the other. The Trial Court had also observed that the appellant had not produced any proof to show that his house was inundated with water.

2. The learned counsel for the appellant submitted that the appellant had been regularly appearing before the Trial Court and he had always co-operated with a trial. The learned counsel further submitted that the reason for his non-appearance on 06.12.2023, is genuine and it is



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a matter of common knowledge that the city of Chennai was affected by the cyclone and the entire city came to a standstill.

3. The learned Additional Public Prosecutor appearing for the respondent, per contra, objected to the grounds raised by the appellant and also made a submission, justifying the order passed by the Trial Court. The learned Additional Public Prosecutor, on instructions, further submitted that the appellant has been regularly appearing before the Trial Court after the order of interim bail was granted by this Court on 20.12.2023.

4. Admittedly, the appellant, after releasing on bail, has been regularly appearing before the Trial Court. Since he could not appear on 06.12.2023, he had surrendered before the Trial Court immediately on 08.12.2023 and had filed a petition for recall of warrant.

5. We are convinced with the reason stated by the appellant for his non-appearance. It is a fact that the city of Chennai was affected by



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cyclone and floods during the relevant time. Further the appellant had also immediately filed a petition for recall of warrant within 2 days. Admittedly, the appellant has been appearing before the Trial Court regularly, after we had released him on interim bail. Therefore, we deem it appropriate to set aside the order of the Trial Court and recall the warrant issued on 06.12.2023.

6. In the result, this Criminal Appeal stands allowed and the order dated 08.12.2023 passed in Crl.M.P.No.2455 of 2023 in Spl.S.C.No.19 of 2022 by the Special Court for NIA Cases, Ponnammallee, Chennai, is set aside. Consequently, the warrant issued on 06.12.2023 is hereby recalled.

[M.S.R., J]

[S.M., J]

20.06.2024

Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Deputy Superintendent of Police,
National Investigation Agency,
Chennai.

2.Special Court for NIA Cases,
Ponnamallee, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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