



Crl.OP.No.31417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.OP.No.31417 of 2024

N.Vennila

... Petitioner/Accused-2

Vs.

The Assistant Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance,
Department of Revenue,
2nd and 3rd Floor, C-Block,
Murugesha Naicker Complex,
Greams Road, Chennai - 600 006.

[ECIR/CEZO/22/2011 dated 26.08.2011] ... Respondent/Complainant

PRAYER: Petition filed under Section 438 (1) read with 528 of BNSS, to call for the records and modify the order passed by **she shall deposit a sum of Rs.3,00,000/- (Three Lakhs Only) into this court within 3 weeks from this date filing which suitable orders will be passed** the Principal Sessions Judge, Chennai in Crl.M.P.No.30311 of 2024 dated 28.10.2023 in C.C.No.59 of 2016 to the petitioner.



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For Petitioner	: Mr.P.Sunderarajan
For Respondent	: Mr.S.Sasikumar
	Special Public Prosecutor
	for Enforcement Directorate

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The criminal original petition has been instituted under Section 528 of BNSS seeking modification of the condition imposed by the learned Principal Sessions Judge, City Civil Court, Chennai in Crl.M.P.No.30311 of 2024 in C.C.No.59 of 2016 dated 28.10.2023.

2. The petitioner is accused no.3 in C.C.No.59 of 2016. The case is pending for long years.

3. Mr.S.Sasikumar, the learned Special Public Prosecutor appearing on behalf of the respondent/Enforcement Directorate would submit that the petitioner initially not co-operated with the respondent nor attended the court proceedings regularly. She was continuously absent from the year 2016 onwards. The non-bailable warrant was issued and the petitioner filed a petition to recall the non-bailable warrant.



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4. Since the petitioner/accused no.2 was continuously absent, the trial court imposed a condition that the petitioner/accused no.2 shall execute a bond under Section 91 of BNSS for a sum of Rs.10,00,000/- along with two sureties for a like sum on or before 30.10.2024. Further, she shall deposit a sum of Rs.3,00,000/- (Three Lakhs Only) into City Civil Court within 3 weeks, failing which suitable orders will be passed.

5. The learned Counsel appearing on behalf of the petitioner would submit that the first condition imposed to execute a bond under Section 91 of BNSS has already been executed by the petitioner. Regarding, deposit of a sum of Rs.3,00,000/- (Three Lakhs only), the petitioner is not in a position to mobilise funds. Therefore, the present petition is filed.

6. It is not in dispute that the trial is in progress. The petitioner is directed to co-operate with the trial Court for completion of trial expeditiously. In the event of any non-cooperation, trial court may initiate all appropriate actions. As far as the condition to deposit a sum of Rs.3,00,000/- is concerned, we are inclined to modify the said condition. Accordingly, the petitioner/accused No.2 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) on the file of the Principal Sessions



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Judge, City Civil Court, Chennai within a period of two (2) weeks from the date of receipt of a copy of this order.

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With the above modification, the Criminal Original Petition stands **allowed-in-part.**

[S.M.S., J.] [M.J.R., J.]
10.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

The Assistant Director,
Directorate of Enforcement,
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Ministry of Finance,
Department of Revenue,
2nd and 3rd Floor, C-Block,
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