

Crl.O.P(MD) No.10888 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**Crl.O.P(MD)No.10888 of 2025
and
Crl.M.P.(MD) No.8182 of 2025**

Dhayanidhi Alagiri

... Petitioner

vs.

**The Directorate of Enforcement
Enforcement Directorate,
Madurai**

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. , to call for the records pertaining to the order passed in Crl.M.P.No.165 of 2025 pending on the file of the learned Additional District Judge for CBI cases, Madurai to set aside the same and modify and consequently permit the petitioner to make his presence through video conferencing mode in the aforesaid criminal case from his residence at No.48, Bheemanna street, Abhirampuram, Chennai- 600 18.

For Petitioner : Mr.C.M.Arumugam

**For Respondent : Mr. K.Govindarajan
Deputy Solicitor General of India**



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ORDER

WEB COPY [Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Challenge is made to the order dated 23.06.2025 passed in Cr.M.P.No. 165 of 2025 in C.C.No.3 of 2020, on the file of the learned II Additional Sessions Judge for CBI cases, Madurai.

2. The brief facts are as follows: The petitioner is arrayed as A3 in C.C. No.3 of 2020 on the file of the II Additional Sessions Court for CBI cases, Madurai for the offences under Sections 45 r/w.70 and 8(5) of the Prevention of Money Laundering Act, 2002. The petitioner has filed an application under Section 329 of Cr.P.C (368 of BNSS) before the learned II Additional Sessions Judge for CBI cases, Madurai and the learned Judge on 23.06.2025 passed the following order:

“Orders pronounced. In the result, it is ordered to fix the date i.e., on 26.06.2025 for testifying the mental capacity of the petitioner whether he understand the proceedings of this Court or not and it is also ordered that one of the counsel appearing for the petitioner could be present on 26.06.2025, where the petitioner/A3 is available in Chennai. Further, if the petitioner side is able to produce the petitioner/A3 before the remote point i.e., in Video Conferencing Room at City Civil Court, Chennai and the petitioner could very well produce on 26.06.2025 at the Video Conferencing Room at City Civil Court, Chennai”



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WEB COPY Seeking to set aside the order dated 23.06.2025 and modify and consequently permit the petitioner to make his presence through video conference from his residence the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is affected by stroke and as per the medical records dated 14.06.2025 he is currently disabled with right sided hand and leg weakness and has inability to walk and ambulate. Further he is also unable to understand verbal or written commands along with memory impairment as his left side brain is affected by stroke. The petitioner has filed a petition under Section 329 of Cr.P.C., based on his mental condition, whereas the learned trial Judge by an order dated 23.06. 2025 had directed the petitioner to be present on 23.06.2025 and he has been directed to be produced before the remote point, i.e., before the City Civil Court at Chennai. Since the condition of the petitioner is not suitable to move him to the Court the present petition has been filed seeking to set aside the order and permit the petitioner to appear through video conference from his residence.



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4. Per contra, the learned Deputy Solicitor General of India appearing for the respondent would submit that though petition has been filed under Section 329 of Cr.P.C., the respondent has filed his objection stating that the medical certificate dated 14.06.2025 does not spell anything about the mental illness of the petitioner and the respondents have objected the same. However the trial Court following the procedure as required under Section 329(1) of Cr.P.C., had directed the presence of petitioner before the concerned Court to satisfy itself with regard to the claim of the petitioner. He further submitted that if the petitioner is unable to appear before the Court he has to file necessary application before the concerned Court stating about his inability to appear at the remote point as directed by the trial Court and not before this Court. He would further reiterate that remote point is the place designated by the concerned Court.

5. We have gone through the medical records and the order passed by the Court dated 23.06.2025.

6. The order of the Court reads that if the petitioner /A3 is able to appear before the remote point, i.e., City Civil Court, Chennai and the



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petitioner could very well produced on 26.06.2025 at the video conferencing
room at City Civil Court, Chennai.

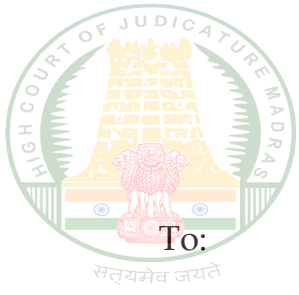
7. This Court is of the opinion that if the petitioner is unable to be produced before the remote point it would be proper for him to file appropriate petition seeking exemption from appearing before the remote point and the concerned Court would be the proper forum to decide and pass orders on the same.

8. In view of the same, the Criminal Original Petition stands disposed of with a direction to the petitioner to file appropriate petition before the concerned Court with regard to his inability to appear before the remote point and the learned Judge shall conduct enquiry and pass orders on its own merits after taking into consideration the health condition of the petitioner. Consequently connected miscellaneous petition stands closed.

[A.D.J.C., J.] [R.P., J.]
25.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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Note: Issue order copy on 25.06.2025



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To:

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1. The Additional District Judge for CBI cases, Madurai
2. The Directorate of Enforcement
Enforcement Directorate,
Madurai



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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