

CRL MP(MD)Nos. 9442, 9443 & 9444 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Appellate Jurisdiction

Thursday, the Twenty Fourth day of July Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

Crl.MP(MD) Nos. 9442, 9443 & 9444 of 2025

in

CRL A(MD). Nos.472, 413 & 460 of 2019

The Inspector of Police,
Central Bureau of Investigation,
Special Crime Branch, Chennai.
[RC 5, 6, 8/(S)/1994/ CBI/SCB/ Chennai]

... petitioner/ Appellant
[In Crl. MP(MD)No.9442 of 2025]

The Inspector of Police,
Central Bureau of Investigation,
Special Crime Branch, Chennai.
[RC 4/(S)/1994/ CBI/SCB/ Chennai]

... petitioner/ Appellant
[In Crl. MP(MD)No.9443 of 2025]

The Inspector of Police,
Central Bureau of Investigation,
Special Crime Branch, Chennai.
[RC 7/(S)/1994/ CBI/SCB/ Chennai]

... petitioner/ Appellant
[In Crl. MP(MD)No.9444 of 2025]

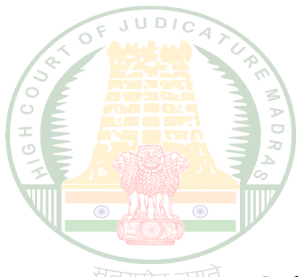
Vs

Shri Salim Siraj Gillani
S/o.Shri Mohammed Ali Samsudin Gillani

... Respondent/Respondent/ Accused
in all Crl Mps

Common Prayer in Crl.MP(MD) Nos. 9442, 9443 & 9444 of 2025:

Criminal Miscellaneous Petition filed under Section 431 of BNSS, praying to issue a Non-Bailable Warrant against the respondent/ Accused Salim Siraj Gillani @ Sirajali Gilani in CRL A(MD). Nos.472, 413 & 460 of 2019 on the file of this Court.



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Prayer in Crl.Appeal.No.472 of 2019 :-

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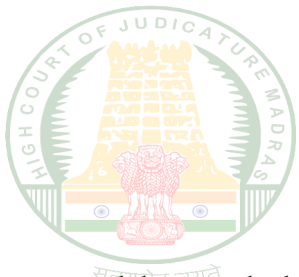
Criminal Appeal filed under Section 377 (2) of Cr.P.C., praying to (i) by enhancing the sentence imposed on the respondent / Accused-6 Shri Salim Siraj Gillani by the Honorable Court of II Addl. District and Special Judge for CBI Cases, Madurai dated 03.05.2017, at par with the sentence imposed on other accused persons for the offences punishable under section 120 B r/w 420 IPC and (ii) by convicting the respondent/accused-5 Shri Salim Siraj Gillani for the offences punishable under section 120(B) r/w 419, 467, 468, 471 r/w 511 IPC and additional charges under section 120(B) r/w 420, 419, 467, 468, 381, 471 r/w 511 IPC.

Prayer in Crl.Appeal.No.413 of 2019 :-

Criminal Appeal filed under Section 377 (2) of Cr.P.C., praying to (i) by enhancing the sentence imposed on the respondent / Accused-5 Shri Salim Siraj Gillani by the Honorable Court of II Addl. District and Special Judge for CBI Cases, Madurai dated 21.04.2017, at par with the sentence imposed on other accused persons for the offences punishable under section 120 B r/w 420 IPC and (ii) by convicting the respondent/accused-5 Shri Salim Siraj Gillani for the offences punishable under section 120(B) r/w 467, 468, 381 and 471 IPC.

Prayer in Crl.Appeal.No.460 of 2019 :-

Criminal Appeal filed under Section 377 (2) of Cr.P.C., praying to (i) by enhancing the sentence imposed on the respondent / Accused-5 Shri Salim Siraj Gillani by the Honorable Court of II Addl. District and Special Judge for CBI Cases, Madurai dated 03.05.2017, at par with the sentence imposed on other accused persons for the offences punishable under section 120 B r/w 420 IPC r/w 511 IPC and (ii) by convicting the respondent/accused-5 Shri Salim Siraj Gillani for the offences punishable under section 120(B) r/w 467, 468, 471 and 511 IPC and



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additional charges under section 120(B) r/w 467, 468, 381 and 511 IPC.

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ORDER:- These Criminal Miscellaneous Petitions coming on for orders on this day and upon perusing the Grounds of Appeals and upon hearing the arguments of Mr.N. Mohideen Basha, the Special Public Prosecutor for CBI Cases for the petitioners in all the three petitions and of Mr. I. Robert Chandrakumar, Advocate for the Respondent in all the three petitions, this Court made the following order:

"These petitions have been filed to issue Non Bailable Warrant against the respondent/accused Salim Siraj Gilani @ Sirajali Gilani in CrI.A.(MD).Nos.472, 413 & 460 of 2019 on the file of this Court.

2. On 04.03.2025, this Court allowed the Criminal Appeals filed by the CBI and directed the accused/respondent to appear before this court in person for question of sentence on 19.03.2025. But, he did not appear and hence, this Court passed the following order:-

"3. Section 235 (2) of Cr.P.C., mandates to hear the accused on the question of sentence. On 04.03.2025, the learned counsel on record undertook to make the presence of the accused today. But, he would submit that the accused is suffering from various age old illness. In this case, the respondent/accused already absconded during the course of trial in the year 2002 and warrant was



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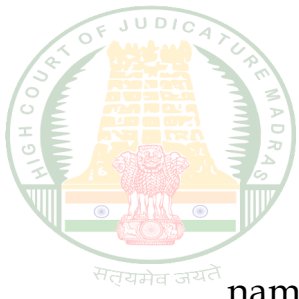
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executed only in the year 2017. Hence, this Court is not inclined to accept the request made by the learned counsel for the accused and inclined to issue bailable warrant to the accused through the appellant. Accordingly, this Court issues bailable warrant to secure the accused/respondent and produce before this Court on 03.04.2025.

4. List this of case on 03.04.2025 for “question of sentence”.

3. Thereafter, this Court passed the following order on 03.04.2025:-

“3.Again, today (03.04.2025), when these matters were taken up for hearing, the learned Special Public Prosecutor, appearing for CBI filed a report stating that the accused, namely, Salim Siraj Gillani is hiding and taking shelter in United Arab Emirates (UAE). In spite of the knowledge about the bailable warrant issued by this Court after duly communicated by the investigating agency, he has not appeared before this Court and he is not co-operating with the Court. During the pendency of the trial, also he was absconding and after 15 years only he was able to be secured. Therefore, considering the special circumstances of these cases, this court issues Non-Bailable Warrant to secure the respondent/accused,



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namely, Salim Siraj Gillani and produce before this Court to answer the question of sentence.

4.Considering the circumstances that the respondent is hiding in United Arab Emirates (UAE), this Court hereby directs the Secretary to the Union Government, Ministry of External Affairs, Union of India to render assistance to the CBI to secure the respondent/accused, namely, Salim Siraj Gillani.

5.List these cases on 18.06.2025 under the caption for “question of Sentence”.

4. The order of this Court dated 03.04.2025 was challenged by the respondent before the Hon'ble Supreme Court in SLP(Crl.)No.007214/2025 and SLP(Crl.) No.007274/2025 and the same were dismissed.

5. Thereafter, on 19.06.2025, this Court directed CBI to secure the respondent by passing the following order:-

On 03.04.2025, this Court passed the following order:-

“On 04.03.2024, this Court allowed the appeals filed by the CBI and listed these cases for questioning of sentence on 19.03.2025.



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2. On 19.03.2025, when the matter came up for hearing, the respondent has not appeared before this Court.

Therefore, this Court passed the following order:

“On 04.03.2025, this Court allowed the Criminal Appeal filed by the CBI and directed the accused/respondent to appear before this Court in person for question of sentence.

2. The learned counsel on record for the accused also undertook to ensure appearance to honour the direction issued by this Court. Hence, this case was adjourned today. The learned counsel for the accused would also submit that the accused is aged above 80 years and he is suffering from various illness. Further, the accused is a Muslim and in view of Ramzan, he is in fasting. The learned counsel also requested this Court to peruse the medical records.

3. Section 235(2) of Cr.P.C., mandates to hear the accused on the question of sentence. On 04.03.2025, the learned counsel on record undertook to make the



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presence of the accused today. But, he would submit that the accused is suffering from various age old illness. In this case, the respondent/accused already absconded during the course of trial in the year 2002 and warrant was executed only in the year 2017. Hence, this Court is not inclined to accept the request made by the learned counsel for the accused and inclined to issueailable warrant to the accused through the appellant. Accordingly, this Court issuesailable warrant to secure the accused/respondent and produce before this Court on 03.04.2025.

4.List this case on 03.04.2025 for “question of sentence”.

“3.Again today (03.04.2025), when these matters were taken up for hearing, the learned Special Public Prosecutor, appearing for CBI filed a report stating that the accused, namely, Salim Siraj Gillani is hiding and taking shelter in United Arab Emirates (UAE). In spite of the knowledge about theailable warrant issued by this Court after duly



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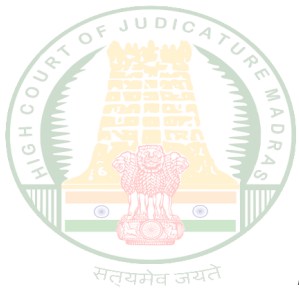
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communicated by the investigating agency, he has not appeared before this Court and he is not co-operating with the Court. During the pendency of the trial, also he was absconding and after 15 years only he was able to be secured. Therefore, considering the special circumstances of these cases, this Court issues Non-Bailable Warrant to secure the respondent/accused, namely, Salim Siraj Gillani and produce before this Court to answer the question of sentence.

4.Considering the circumstances that the respondent is hiding in United Arab Emirates (UAE), this Court hereby directs the Secretary to the Union Government, Ministry of External Affairs, Union of India to render assistance to the CBI to secure the respondent/accused, namely, Salim Siraj Gillani.

5.List these cases on 18.06.2025 under the caption for “question of sentence”.

2. Again today (19.06.2025), when these matters were taken up for hearing, the learned Special Public Prosecutor stated that they could not secure the respondent and produce before this Court to answer the question of sentence.



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3.Further, the learned Special Public Prosecutor, on instructions, submitted that “Red Corner Notice” was already issued and hence, he seeks 15 days time to execute Non-Bailable Warrant issued by this Court on 03.04.2025.

4.The said request of the learned Special Public Prosecutor is accepted and hence, this Court adjourns these cases to 24.07.2025.

5.It is made clear that if the respondent/accused is not secured, the Director, Central Bureau of Investigation, 15-B CGO Complex, Lodhi Road, New Delhi, shall appear through video conference along with an explanatory affidavit for noncompliance of the order of this Court dated 03.04.2025.

6.List these cases on 24.07.2025 under the caption for “questioning of sentence”.

6. At this stage, now CBI have filed these petitions. Mr.A.Ragurama Rajan, Head of Branch, CBI, Special Task Branch, Rajaji Bhavan, Besant Nagar, Chennai, Mr.Santhosh Kumar, Head of Branch, CBI, Special Task Branch, Madurai and Mr.T.Rajasekara, Deputy Superintendent of Police, CBI, Special Task Branch, Chennai, are present before this Court today, along with Reports.



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7. This Court perused the reports filed by the above said Officers. Further, in these petitions, it is stated that warrant issued by this Court with outer time limit had expired and for enforcing the red corner notice issued by the Interpol Head quarters, it is imperative to issue Non-bailable warrants without setting the time limit i.e., on open dated or long validity Non-bailable warrant. Being satisfied with the reasons stated by the CBI in the affidavit filed in support of these petitions, this Court is inclined to allow these petitions.

8. Accordingly, the petitions stand allowed. Registry is directed to issue open dated Non-Bailable Warrant against the respondent/accused Salim Siraj Gilani @ Sirajali Gilani in Crl.A.(MD).Nos.472 of 2019 on the file of this Court."

Sd/-

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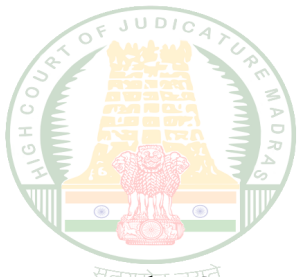
/ /2025

Sub Assistant Registrar
(CS - I / II / III / IV)

TM/dss

TO

1. The II Additional District and Special Judge
for CBI Cases,
Madurai



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2. The Secretary to Government,
Union of India,
Ministry of External Affairs,
New Delhi.

3. The Director,
Central Bureau of Investigations,
15-B, CGO Complex,
Lodhi Road, New Delhi.

4. The Inspector of Police,
Central Bureau of Investigation,
Special Crimes Branch,
Chennai.

5. Mr. N. Mohideen Basha,
The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai



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ORDER DATED : 24/07/2025

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ORDER
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CrI.MP(MD) Nos. 9442, 9443 & 9444 of 2025
in
CRL A(MD). No.472, 413, & 460 of 2019

Giving direction and etc.
as stated within.

SL (05.08.2025)/12P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.