



Crl.O.P(MD)No.12286 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.12286 of 2025

The Directorate of Enforcement,
Enforcement Directorate,
Madurai.

... Petitioner

vs.

Dhayanidhi Alagiri

... Respondent

Prayer:- Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records in connection with the order passed in Cr.M.P.No.168 of 2025 dated 14.07.2025 on the file of the Hon'ble II Additional District Court (CBI Cases), Madurai, in C.C.No.3 of 2020 and set aside the same and consequently direct the respondent to appear before the court concerned.

For Petitioner : Mr.K.Govindarajan
Deputy Solicitor General
For Respondent : Mr.C.M.Arumugam



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ORDER

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Challenge in this Criminal Original Petition is made to an order dated 14.07.2025 passed in Crl.M.P.No.168 of 2025 in C.C.No.3 of 2020, on the file of the II Additional District Court (CBI Cases), Madurai, and quash the same with a consequential direction to the respondent to appear before the court concerned.

2. The case of the petitioner is that the petitioner herein filed a complaint under Section 45 read with 8(5) of the Prevention of Money Laundering Act, 2002, wherein totally 6 accused have been arrayed as accused, in which, the respondent is arrayed as A3. The said complaint was taken on file 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. Though there was a specific direction issued by a Division Bench of this Court in the year 2020 not to adjourn the said case beyond 5 working days, due to non co-operation of the accused, charged have not been framed. Challenging the summon issued by the petitioner department, the respondent filed Crl.O.P(MD)No.14561 of 2020 before



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this Court and the same was dismissed, against which, the respondent filed SLP(Crl)No.2077/2022 before the Hon'ble Supreme Court. After a lapse of three years, the respondent not pressed the said SLP and considering the plea made by the respondent citing his medical condition, the Apex Court by order dated 07.05.2025 dispensed with the appearance of the respondent before the trial Court till an application is filed under Section 329 Cr.P.C, within a period of four weeks. Thereafter, the respondent filed Crl.M.P.No.155 of 2025 before the trial Court under Section 329 of Cr.P.C, but the same was not pressed and later a fresh petition in Crl.M.P.No.165 of 2025 was filed along with the medical certificate obtained on 14.06.2025. Nowhere in the said medical certificate, it is stated about the mental capacity of the respondent. Thus, in order to ascertain the same, the trial Court directed the respondent to appear through video conferencing before the remote point i.e., video conferencing room at City Civil Court, Chennai, on 26.06.2025. The said order was challenged by the respondent in Crl.O.P(MD)No.10888 of 2025 which was disposed of with a direction to the respondent to file appropriate petition before the concerned court with regard to his



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inability to appear before the remote point. Pursuant to the said order, the respondent filed a petition for modification of the order passed in Crl.M.P.No.165 of 2025 and the same was taken on file in Crl.M.P.No.168 of 2025 which was allowed vide impugned order dated 14.07.2025. Aggrieved by the said order, the petitioner has filed this petition.

3. The learned Deputy Solicitor General appearing for the petitioner would submit that there is no medical certificate produced to show the mental incapacity of the respondent. In order to ascertain the mental ability of the respondent, the trial Court directed the respondent to appear through video conferencing before the remote point i.e., video conferencing room at City Civil Court, Chennai, on 26.06.2025. The said order was challenged by the respondent in Crl.O.P(MD)No.10888 of 2025 and the same was disposed of with a direction to the respondent to file appropriate petition before the concerned court with regard to the inability to appear before the remote point. But however, the medical certificate produced by the respondent does not show any immobilisation or mental incapacity of the



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respondent and therefore, the respondent can very well appear through video conferencing as per the Madras High Court Video Conferencing in Courts Rules, 2020 before the remote point. As per Section 329(1) of Cr.P.C., if a plea with regard to the unsound mind was taken, the Court shall at the first instance find the factum of unsoundness and incapacity of the person. Only after satisfying the same, the Court shall record a finding to that effect. The abovesaid provision clearly states that the Court should arrive at a satisfaction and take a necessary decision prior to its proceedings and the Court cannot find the factum of unsoundness through video conferencing. Though the present case is pending in the Court at Madurai, the respondent is taking treatment in Chennai and there is no material to show that the respondent is suffering with unsound mind and incapacity and no certificate was produced to that effect. Therefore, the impugned order of the the trial Court directing the respondent to appear through video conferencing from his residence is against Section 329(1) of Cr.P.C, and liable to be set aside.

4. The learned counsel for the respondent would submit that the mental condition of the respondent is not stable and he is in



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continuous treatment at Chennai and therefore he is unable to appear either in person or through video conferencing. Therefore, the trial Court considering the facts and circumstances, physical and mental incapacity of the respondent, rightly directed him to appear through video conferencing from the residence of the respondent which does not require interference. Hence, there is no merit in this petition and it is liable to be dismissed.

5. Heard both sides and perused the records.

6. Admittedly, the respondent is arrayed as A3 in C.C.No.3 of 2020, on the file of the II Additional District Court (CBI Cases), Madurai. The petitioner registered the case against the respondent and 5 others under Section 45 read with 8(5) of the Prevention of Money Laundering Act, 2002. Though the respondent filed a petition for discharge, it was dismissed which went upto the Supreme Court, but later it was not pressed by the respondent. Thereafter, the respondent filed a petition in Crl.M.P.No.168 of 2025 to



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modify the order dated 23.06.2025 passed in Crl.M.P.No.165 of 2025 and permit the respondent to make his presence through video conferencing mode in the aforesaid C.C from his residence. Though originally it was ordered to appear through video conferencing in the City Civil Court, Chennai, subsequently it was modified permitting the respondent to appear through video conferencing from his residence at No.48, Bheemanna Street, Abhiramapuram, Chennai-600 018 and it was further directed that one of the counsel on record could be present at the residence of the respondent at the time of testifying the mental condition of the respondent. The said order is under challenge in this petition.

7. Though the respondent filed a petition under Section 329 Cr.P.C, and initially an order was passed which was subsequently modified, a reading of Section 329 makes it clear that if an accused had taken a plea of unsound mind or incapacity, the court shall at the first instance find the factum of such unsoundness or incapacity of such accused and only after satisfying the factum, the court shall record a finding to that effect. In this case, there is no material to show that the



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respondent was declared as insane or unsound person and the respondent also not produced any document to show that he is immobilised or has mental incapacity.

8. Admittedly, the respondent is taking treatment and the case is pending before the Court at Madurai. Therefore, the respondent need not come all the way from Chennai to Madurai for each hearing. However, considering the serious nature of the offence, the respondent is liable to appear through video conferencing at Chennai City Civil Court, where video conferencing facilities are available. Therefore, the impugned order of the trial Court order dated 14.07.2025 passed in Crl.M.P.No.168 of 2025 in C.C.No.3 of 2020, permitting the respondent to appear through video conferencing from his residence, is set aside and the respondent is directed to appear through video conferencing before the remote point i.e., video conferencing room at City Civil Court, Chennai. The petitioner is directed to ensure that the respondent is appeared through video conferencing as and when the trial Court directs him to appear.



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9. With the above modification, this Criminal Original
Petition is disposed of.

[P.V, J.] [L.V.G, J.]
23.09.2025

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

1. The Judge,
II Additional District Court (CBI Cases),
Madurai.

2. The Directorate of Enforcement,
Enforcement Directorate,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4. The Section Officer
Criminal (Records) Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.
AND
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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