



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

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CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP Nos. 2017 & 2047 of 2026

in

Crl.A.Nos.213 & 223 of 2019

V.Srinivasan

S/o V.R.Venkatesan,

F1, 29, P.T.Rajan Salai,

K.K.Nagar, Chennai – 78.

... Petitioner in Crl.M.P.No.2017 of 2026

N.Kumaraswamy

S/o.late.T.M.Natesan,

F1, Sri KumaraKottam,

19/8, Mannar 2nd Street,

Vadapalani, Chennai – 600 026.

... Petitioner in Crl.M.P.No.2047 of 2026

Vs.

State : rep.by

Deputy Superintendent of Police

SPE/CBI/EOW,

Chennai. R.C.No.34(A)/1997

... Respondent in both Crl.MPs.

PRAYER: Criminal miscellaneous petitions filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to relax the condition of the appearance of the petitioners before the learned Principal Special Judge for CBI Cases (VIII Additional City Civil Court), Chennai in Crl.MP.No.5259 of 2019 in Crl.A.No.213 of 2019 order dated 15.04.2019 and Crl.M.P.No.5368 of 2019 in Crl.A.No.223 of 2019 order dated 16.04.2019 respectively.



For Petitioner(s):
in both Crl.MPs.

Ms.S.Uma Nachiar

For Respondent(s):

Mr.S.Udayakumar
Govt. Advocate (Crl.Side)

COMMON ORDER

These criminal miscellaneous petitions have been filed to relax the condition of the appearance of the petitioners/A10 & A6 before the learned Principal Special Judge for CBI Cases (VIII Additional City Civil Court), Chennai in Crl.MP.No.5259 of 2019 in Crl.A.No.213 of 2019 order dated 15.04.2019 and Crl.M.P.No.5368 of 2019 in Crl.A.No.223 of 2019 order dated 16.04.2019 respectively.

2. The contention of the petitioners/A10 & A6 is that the petitioners/A10 & A6 were convicted by the trial Court in C.C.No.58 of 2003 by judgment dated 28.03.2019. Thereafter, the petitioners/A10 & A6 preferred appeals in Crl.A.Nos.213 & 223 of 2019 along with suspension of sentence petitions in Crl.M.P.Nos.5259 & 5368 of 2019 respectively. This Court by order dated 15.04.2019 and 16.04.2019 respectively granted suspension of sentence, wherein, one of the conditions is that the petitioners to appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m. until further orders.



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3. Further contention of the petitioners is that as regards petitioner/A10, he is aged about 76 years and is suffering from age-related ailments. He underwent bypass surgery and is taking eye treatment. Without any support, he is unable to move and is staying at Bangalore with his daughter. As regards petitioner/A6, he is aged about 75 years and suffering from age-related ailments. He underwent surgery for removal of blood clot in the brain and OA knee pain. He is also unable to move without the support of another person. Learned counsel submitted that both petitioners are appearing before the trial as on date for the past 6 years without fail. Further, this Court relaxed the condition in respect of co-accused with regard to appear before the trial Court on every month. Counsel for the petitioners/A10 & A6 undertakes that she will not be the reason for any delay in prosecuting the appeal and sought relaxation of the said condition.

4. The learned Govt. Advocate (Crl.Side) appearing for the respondent opposed the relaxation and submitted that unless the petitioners appear before the trial Court, they would not be reminded about the pendency of the appeal. He fairly submitted that the petitioners are aged persons and seriously not disputed the health impediments.



5.Considering the fact that petitioners are aged about 76 & 75 years respectively, having health ailments and in view of the undertaking given by the counsel for the petitioners that she will not be the reason for any delay in prosecuting the criminal appeals, this Court relaxes the condition imposed on the petitioners to appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m. until further orders. All other conditions remain unaltered.

6.Accordingly, the criminal miscellaneous petitions are ordered.

10-02-2026

sms

To

1.The Principal Special Judge for CBI Cases
(VIII Additional City Civil Court), Chennai.

2. The Deputy Superintendent of Police
SPE/CBI/EOW, Chennai.
R.C.No.34(A)/1997.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

sms

CRL MP No. 2017 of 2026

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