

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MS. JUSTICE R. MALA

Crl.O.P.No.18715 of 2014

in

Crl.A.No.SR32547 of 2014

State rep. by
The Public Prosecutor,
High Court, Madras
(V & AC. Villupuram Cr.No.7/2011)

.. Petitioner/
Appellant in CrlA.SR.32547/14
sought to be preferred to
this court)

vs.

1. K.Ponmudi @ Deivasigamani
S/o.M.Kandaswamy
Former Minister for Higher Education &
Mines of Tamil Nadu,
No.6-S & B, Thirupanalwar Street
East Shanmugapuram Colony,
Villupuram.

2. Tmt.P.Visalakshi

.. Respondents/
Respondents in do

Prayer : Petition filed under Section 378(3) Cr.P.C. to grant leave to file an appeal before this Court against the order passed in Cr.MP.No.2115/2013 in Special Case No.44/2014 dated 24.06.2014 by the Court of Special Court for Prevention of Corruption Act Cases, Villupuram.

CrlA.SR.32547/2014: Crl.Appeal SR.No.32547 of 2011 sought to be preferred to this court against the order in Crl.M.P.No.2115/2013 in Special Court No.44 of 2014 dated 24/6/2014 on the file of the Court of Special Court for prevention of corruption Act Cases, Villupuram.

For Petitioner : Mr.A.Shanmugavelayutham
Public Prosecutor
Assisted by Mr.D.Siva Ramkumar
Government Advocate (Crl. Side)

For Respondents: Mr.P.Wilson
Senior Counsel
for M/s.Wilson Associates

ORDER

Head the learned Public Prosecutor appearing for the petitioner and Mr.P.Wilson, learned Senior Counsel appearing for the respondents.

2.The petitioner has come forward with this petition, seeking for grant of leave to file an appeal against the order made in CrI.MP.No.2115 of 2013 in Special Case No.44/2014 dated 24.06.2014 on the file of the Special Court for Prevention of Corruption Act Cases, Villupuram, for raising the attachment. The attachment has been made under the provisions of 3(1) and 4 of Criminal Law Amendment Ordinance, 1944.

3.On perusal of Memorandum of Grounds of Appeal, it was specifically mentioned that appeal has been preferred under Section 11 of Criminal Law (Amendment) Ordinance, 1994. But, whereas the petitioner has filed this petition for grant of leave for preferring an appeal under Section 378(3) Cr.P.C. Section 378(3) Cr.P.C. deals with the appeal against acquittal, but Section 11 of Criminal Law (Amendment) Ordinance, 1944 deals with appeal. So, the provision itself is wrong. Since appeal has been preferred under Section 11 of Criminal Law (Amendment) Ordinance, 1944, no leave is necessary and hence, this Criminal Original Petition itself is unnecessary and liable to be dismissed as not maintainable.

4.The Criminal Original Petition is dismissed accordingly.

cse

-s/d-
Assistant Registrar(J)
Dt:12/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Special Court for Prevention of Corruption Act Cases, Villupuram.
2. The Public Prosecutor,
High Court of Madras.

3. Record Keeper, Criminal Section,
High Court of Madras.

+ 1 cc to Mr.P.Wilson, Advocate SR 5441

+ 1 cc to Public Prosecutor, High Court, Madras SR 5863

kji(co)
prk24/2

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in
Crl.A.No.SR32547 of 2014



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