



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.9130 of 2016
IN
MP(MD)No.1 of 2011
in
CRL RC(MD) No.50 of 2011

S.ELANGO VAN

... PETITIONER/RESPONDENT/
RESPONDENT/COMPLAINANT

Vs

1 RAMESH NAIR,
S/O M.P.RAMACHANDRAN, M/S STERLITE INDUSTRIES LTD.,
SIPCOT INDUSTRIAL COMPLEX,
T.V.PURAM, TUTICORIN.

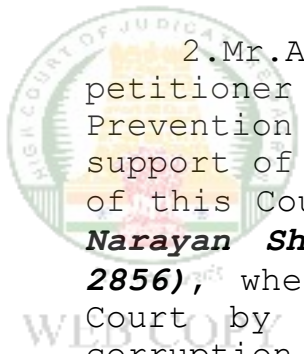
2 SUSHIL GUPTA,
S/O R.G.GUPTA, M/S STERLITE INDUSTRIES LTD.,
SIPCOT INDUSTRIAL COMPLEX,
T.V.PURAM, TUTICORIN.

... RESPONDENTS/PETITIONER/
PETITIONER/ACCUSED NO.2&3

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to vacate the stay granted in MP. NO. 1 of 2011 in Crl RC NO. 50 of 2011 dated 03.01.2012 and to enable the petitioner to proceed with the trial in CC NO. 41 of 2011 on the file of the Learned Special Judge for trial of cases under Prevention of Corruption Act, Tiruchirappalli (Previously Special Judge for Prevention of Corruption Act Cases cum Chief Judicial Magistrate, Trichirappalli in Special case NO.2 of 2010) and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.V.SOMASUNDARAM, Advocate for the petitioner and Mr.K.P.ANANTHAKRISHNAN on behalf of the Respondents the court made the following order:-

The learned counsel for the petitioner in Crl.M.P(MD)No.9130 of 2016 is present. The learned counsel for the Respondent is called absent. The junior counsel for the respondent is present and she is not ready today also, since her senior is absent. In the earlier occasion also, the case was adjourned from time and again, since senior counsel for the Revision Petitioner was absent.



2. Mr. A.V. Somasundaram, the learned counsel appearing for the petitioner in the vacate stay petition would submit that under the Prevention of Corruption Act, there can be no stay of trials. In support of his contention, the learned counsel invited the attention of this Court to the Judgment of the Hon'ble Supreme Court in **Satya Narayan Sharma Vs. State of Rajasthan** reported in **(AIR 2001 SC 2856)**, wherein, it has been held that no stay can be granted by Court by use of any power in trial, for public servant for corruption charges. The said Judgment is also circulated to the Registrars of all the High Courts.

3. I have heard the submission made by the learned counsel appearing for the petitioner and also perused the materials available on record, including the Judgment of the Hon'ble Supreme Court. There is a specific bar under Section 19(3)(c) of Prevention of Corruption Act, 1988 against the grant of stay. The petitioner contends that trial is not making any progress in view of the stay order passed on 03.01.2012.

4. Considering the submission made by the learned counsel appearing for the petitioner and also considering the Judgment of the Hon'ble Supreme Court reported in **(AIR 2001 SC 2856)** (cited supra), this Court is inclined to vacate the interim stay already granted by this Court. Accordingly, this Criminal Miscellaneous Petition is allowed and the interim stay already granted by this Court, on 03.01.2012 in M.P.(MD)No.1 of 2011 in Crl.R.C(MD)No.50 of 2011 stands vacated.

5. Registry is directed to list Crl.R.C.(MD)No.50 of 2011 and Crl.O.P.(MD)No.11383 of 2010, on 13.12.2016.

sd/-
22/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION CASES AT
TIRUCHIRAPALLI

+1. C.C. to M/S.A.V.SOMASUNDARAM Advocate SR.No.71158

JAM/22.11.16/MPA/SAR AE/2P-3C

ORDER
IN
CRL MP(MD) No.9130 of 2016
IN
MP(MD)NO.1 OF 2011 IN
CRL RC(MD) No.50 of 2011
Date :22/11/2016