

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2018

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.M.P.No.17195 of 2018
in Crl.A.No.300 of 2017

K.Madhamanickam

.. Petitioner

versus

State of Tamilnadu,
Represented by
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Salem.

.. Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. to relax the condition in Crl.M.P.No.7076 of 2017 in Crl.A.No.300 of 2017 dated 09.06.2017, this Court directed the petitioner to appear before the learned Special Judge [Special Court for Trial of Cases under the Prevention of Corruption Act], Salem, on the first working day of every month at 10.30a.m., until further orders.

For Petitioner

: Mr.M.Devaraj

For Respondent

: Mr.R.Ravichandran
Government Advocate [Crl. Side]

ORDER

This petition has been filed to relax the condition imposed by this Court in Crl.M.P.No.7076 of 2017 in Crl.A.No.300 of 2017 dated 09.06.2017.

2. The petitioner is the thirteen accused in Spl.C.C.No.19 of 2014 on the file of the learned Special Judge [Special Court for Trial of Cases under the Prevention of Corruption Act], Salem and by a judgment dated 23.05.2017, he was convicted and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo one year simple imprisonment for the offence under Section 13(2) r/w 13(1)(a) and (d) of Prevention of Corruption Act; sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for the offence under Section 7 of Prevention of Corruption Act r/w Section 120B IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo 3 months simple imprisonment for the offence under Section 120B IPC r/w Sections 7 and 13(1)(a) and (d) of Prevention of Corruption Act. Aggrieved by the said judgement of conviction and sentence, he has preferred this Criminal Appeal, along with a petition for suspension sentence.

3. This Court, by an order dated 09.06.2017 in Crl.M.P.No.7076 of

2017, granted bail by suspending the sentence alone, pending disposal of the appeal, subject to the condition that the petitioner shall appear before the learned Special Judge [Special Court for Trial of Cases under the Prevention of Corruption Act], Salem, on the first working day of every month at 10.30a.m., until further orders. The present petition has been filed for relaxation of the said condition.

4. The learned counsel appearing for the petitioner would submit that the petitioner has been complying with the condition without default for more than 17 months and prayed for relaxation of the condition.

5. The learned Government Advocate (Crl. Side) appearing for the State opposed the petition stating that there is no ground for relaxation of the condition.

6. Having regard to the fact that the petitioner has been complying with the condition for nearly 17 months and also considering the difficulties expressed on behalf of the petitioner, I am inclined to modify the said condition.

7. Accordingly, the petitioner is directed to appear before the

learned Special Judge [Special Court for Trial of Cases under the Prevention of Corruption Act], Salem, once in three months, until further orders.

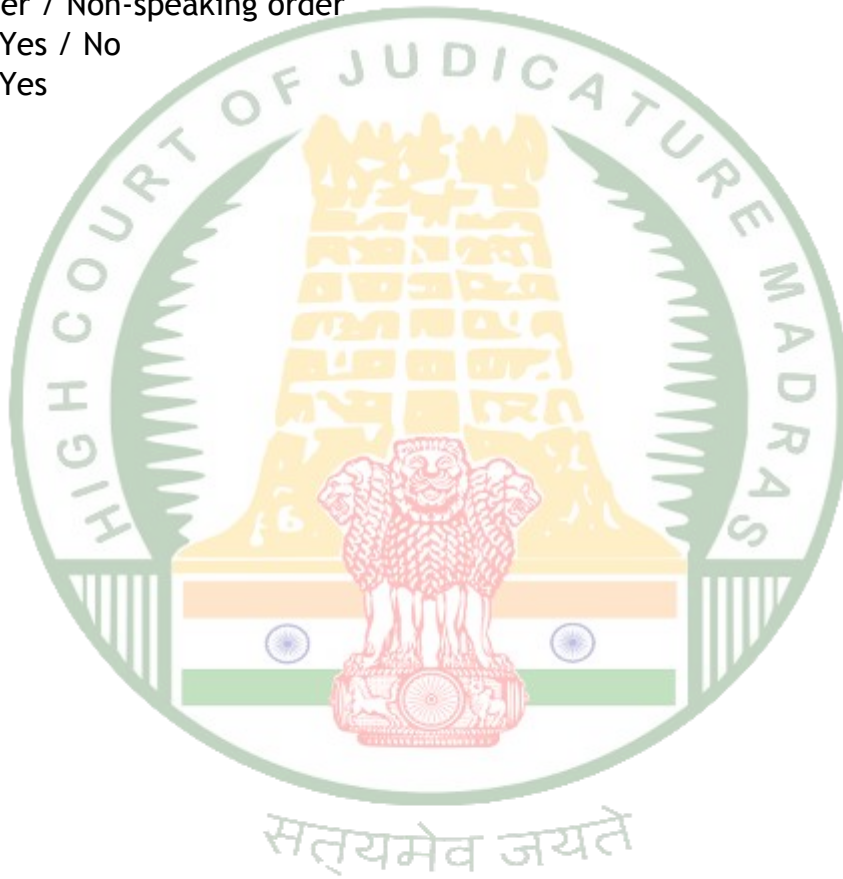
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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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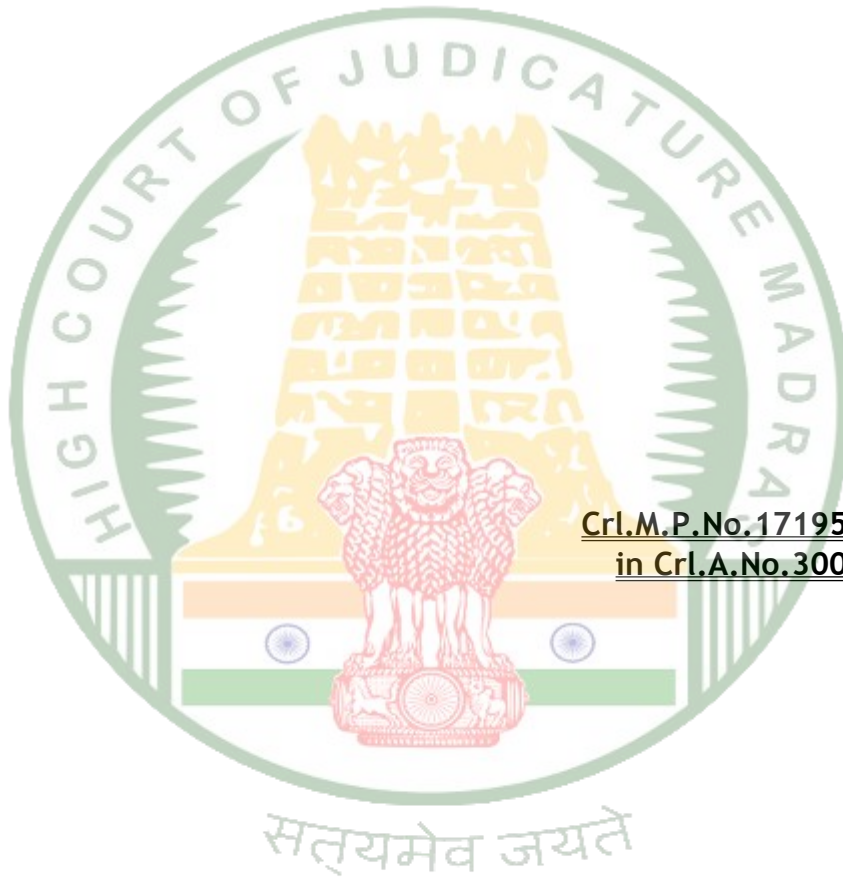
- 1.The Special Judge
[Special Court for Trial of Cases
under the Prevention of Corruption Act],
Salem.
- 2.The Deputy Superintendent of Police,
Government of Tamil Nadu,
Vigilance and Anti-Corruption,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI, J.

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