



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.694 of 2018

IN

CRL A(MD) No.420 of 2017

I. YESUDASAN

... PETITIONER/PETITIONER/APPELLANT

Vs

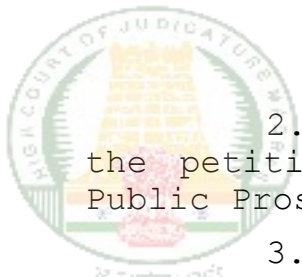
THE STATE REP.BY THE,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
CRIME NO.2/2000

... RESPONDENT/RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the petitioners absence on 02/01/2018 to sign before the Chief Judicial Magistrate Court at Srivilliputhur, Virudhunagar District in compliance with the order dated 26/10/2017 passed by this Honourable Court in Crl.M.P(MD).No.9641/2017 in Crl.A.No.420/2017 on the file of this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SULTHAN BASHA, Advocate for AJMAL ASSOCIATES, for the petitioner and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner was convicted and sentenced by the Special Court for Vigilance and Anti Corruption Cases in C.C.No.49 of 2014 on 20.10.2017, challenging which, the petitioner filed Crl.A.(MD) No.420 of 2017 and prayed for suspension of sentence and bail in Crl.M.P.(MD)No.9641 of 2017, in which, this Court suspended the sentence and granted bail to the petitioner by order dated 26.10.2017, directing the petitioner to appear before the trial Court on the first working day of every month at 10.30 a.m., until further orders. The petitioner was unable to appear before the trial Court on 02.01.2018 and therefore, the petitioner has filed the present petition for condoning his absence.



2. Heard Mr.Sulthan Basha, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent.

3. The learned Chief Judicial Magistrate / Special Judge, Virudhunagar District has sent a report dated 03.01.2018, in which, it is stated that the petitioner did not appear before the Court on 02.01.2018.

4. The learned counsel for the petitioner submitted that the petitioner had gone on a pilgrimage and he was not able to return in time and therefore, he had failed to appear before the trial Court on 02.01.2018.

5. This explanation is accepted and his absence is condoned. The petitioner is directed to appear before the trial Court on the first working day of every month at 10.30 a.m., until disposal of the appeal. The petitioner is given liberty to file an application under Section 317 Cr.P.C., giving reasons for his absence before the trial Court, if, on any date, he is not able to appear before the trial Court and the petitioner should appear before the trial Court on another date, as directed by the trial Court, in lieu of date of his absence.

6. Accordingly, this petition is allowed until the disposal of the appeal.

sd/-
02/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE CHIEF JUDICIAL MAGISTRATE CUM SPECIAL JUDGE
FOR VIGILANCE AND ANTI-CORRUPTION CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING, VIRUDHUNAGAR.

3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. AJMAL ASSOCIATES Advocate SR.No.1879

ORDER IN
CRL MP(MD) No.694 of 2018 IN
CRL A(MD) No.420 of 2017
Date :02/02/2018