

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.2350 of 2019

IN CRL.A.NO.73 OF 2019

M.INDIRANI

[PETITIONER]

Vs

THE DEPUTY SUPERINTENDENT OF POLICE, [RESPONDENT]
VIGILANCE AND ANTI CORRUPTION ,
ERODE V AND AC,
CR.NO.9/AC/2005/ER

Petition praying that in the circumstances stated therein the High Court will be pleased to [*]direct the Trial court to recall the non bailable warrant issued in Spl.C.C.No.19/15, on 25.1.2019 on the file of Chief Judicial Magistrate/Special Judge, Erode.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.VIJAYAKUMAR, Advocate for the petitioner and of MR.K.PRABAKAR, PUBLIC PROSECUTOR (V AND AC) on behalf of the Respondent the court made the following order:-

The petition has been filed to recall the non bailable warrant issued in Special Case No.19 of 2015 dated 25.01.2019 on the file of the learned Chief Judicial Magistrate/Special Judge, Erode.

2. The learned counsel for the petitioner would submit that the learned Chief Judicial Magistrate/Special Judge, Erode had passed the judgment, dated 28.12.2018 in Special Case No.19 of 2015, finding the petitioner guilty under Section 7 of Prevention of Corruption Act, 1988 and convicting and sentencing him to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for six months and also finding him guilty under Section 13 (2) r/w 13(1) (d) of prevention of Corruption Act, 1988 and convicting and sentencing him to undergo Rigorous Imprisonment for two years and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for six months.

3. The learned counsel for the petitioner would submit that the Trial Court had suspended the sentence till 25.01.2019. He would also submit that within the Statutory period, the petitioner had filed the appeal on 22.01.2019. Due to certain defects, the appeal papers were returned by the registry on 25.01.2019. Meanwhile, the petitioner had filed the petition for extension of suspension of sentence before the Trial Court whereas, the Trial Court declined to accept the petition and had issued a Non Bailable Warrant of arrest against her on 25.01.2019. He would further submit that the appeal had been filed within time and due to some defects, the appeal papers have been returned by the Registry. He would also submit that she had also filed a petition seeking the suspension of sentence which has been numbered in Crl.M.P.No.1914 of 2019 and it was not the intention of the petitioner/appellant to abscond. He would further submit that if the warrant is not recalled, the petitioner will be put to great difficulty and the petitioner is also a senior citizen, aged about 66 years.

4. Considering the facts and circumstances of the case and in view of the order passed in Crl.M.P.No.1914 of 2019 suspending the substantive sentence of imprisonment, the petitioner is directed to surrender before the trial Court within a period of one week from the date of receipt of a copy of this order along with sureties and the Trial Court shall recall the Non Bailable Warrant in Special Case No.19 of 2015 dated 25.01.2019.

5. The Criminal Miscellaneous petition is disposed of.

-sd/-

13/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*] Amended as per order of this court dated 13/02/2019 made in Crl.MP.NO.2425 of 2019 in Crl.MP.NO.2350 of 2019 in Crl.A.NO.73 of 2019.

TO

1 THE CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, ERODE.

<https://hcservices.ecourts.gov.in/hcservices/>

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS. [V AND AC]

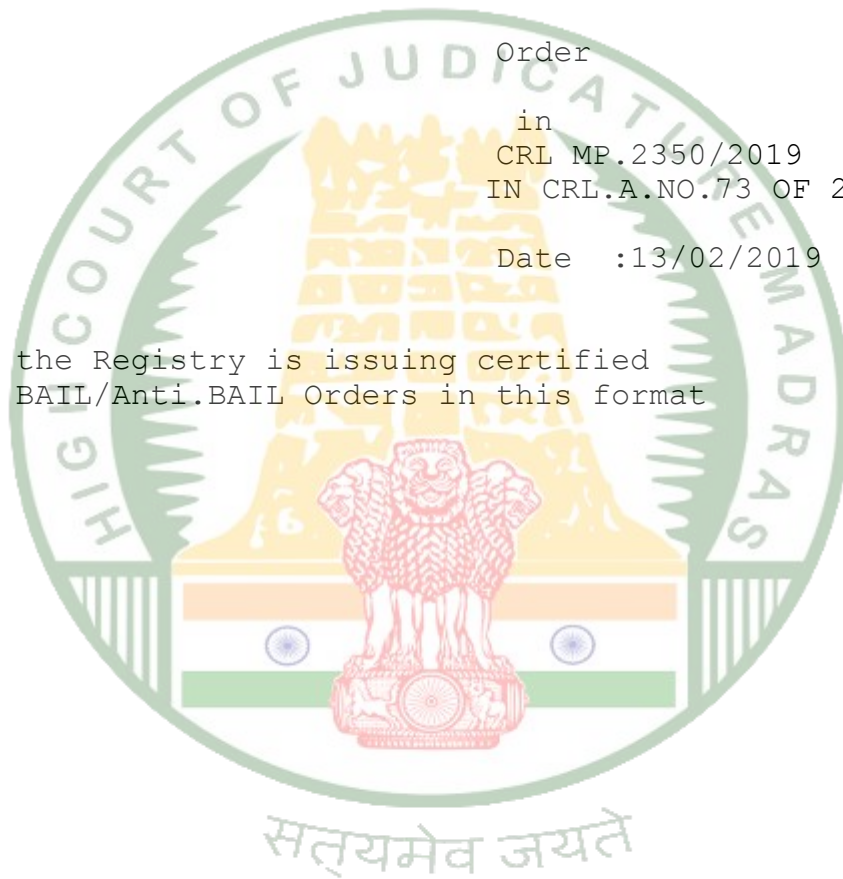
+2C.C. to M/S.S.VIJAYAKUMAR Advocate on payment of necessary
charges in SR.NO. 3163,3165

Order
in
CRL MP.2350/2019
IN CRL.A.NO.73 OF 2019

Date :13/02/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MLT-14/02/2019



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