

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.4862 of 2019

IN CRL A.146/2016

P.R.T.SOORYKUMAR

[PETITIONER / APPELLANT]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

CENTRAL BUREAU INVESTIGATION (CBI),

SPE/SCB/CBI/MADRAS,

R.C.NO.7 TO 10/85, AND

12 TO 15/85 AND

17/85/SPE/SCB/CBI/MADRAS.

Petition praying that in the circumstances stated therein the High Court will be pleased to modify condition in respect of furnishing property security to the value of Rs.2,00,000/- and Rs.7,25,000/- totally Rs.9,25,000/- passed under order dated 21.03.2016 in the CMP No.2107 of 2016 in Crl.A.No.146 of 2016 and permit the petitioner to deposit cash in lieu of property security and direct to release the 3rd party security given by Mr.M.Balaji on deposit made by the petitioner

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.MOHIDEEN PICHAI, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to modify the condition in respect of furnishing property security to the value of Rs.2,00,000/- and Rs.7,25,000/- totally, Rs.9,25,000/- passed under order of this Court dated 21.03.2016 in C.M.P No.2107 of 2016 in Crl.A.No.146 of 2016.

2.The learned counsel for the petitioner would submit that the petitioner was convicted by the learned XI Additional Special Judge (CBI Cases) in C.C.No.221 of 1997 and as against the order of Judgment of Conviction, the petitioner has filed an appeal in Crl.A.No.146 of 2016 along with an application for suspension of sentence in crl.M.P.No.2107 of 2016. This Court by order dated 21.03.2016 suspended the sentence of imprisonment alone on condition that the petitioner shall furnish property secure security to the value of Rs.2,00,000/- and 7,25,000/- (totally 9,25,000/-) before the trial court within three months from the date of the order. He

would submit that the petitioner was a under huge financial distress and hence, he could not arrange the security, and sought help from one of his friend M.Balaji to arrange the same and thereby, M.Balaji had furnished his property document and the same was submitted before the trial Court as the third party security in due compliance of the order passed by this Court. He would submit that said Balaji's wife had passed away in an accident leaving behind him and his only son and that his son is studying in VII standard and said Balaji is suffering from diabetes and high blood pressure and various other ailments and he had decided to settle the property in favour of his son and thereby the petition has been filed seeking to modify the condition of furnishing property security and permit the petitioner to substitute the security by way of alternate security of Rs.9,25,000/- and thereby direct the trial to return the property documents. He would further submit that the petitioner is prepared to substitute the property document by furnishing Fixed Deposit receipts to the tune of Rs.9.25,000/-(totally) drawn on any Nationalized Bank.

3.The learned Special Public Prosecutor for CBI Cases would object to grant of modify the said conditions.

4.It is not a case where the petitioner has sought for withdrawal of security. The petitioner had offered to substitute the security by offering to furnish Fixed Deposit receipts for the tune of Rs.9.25,000/-.

5.In view of the above, the petition for modification is ordered, directing the petitioner to substitute the property documents, by furnishing original Fixed Deposit receipts to the tune of Rs.9.25 lakhs (totally) deposited in any Nationalized Bank within a period of 12 (twelve) weeks from the date of receipt of a copy of this order. On such furnishing of Fixed Deposit receipts the learned XI Additional Special Judge, Chennai shall return the documents of Thiru.Balaji submitted in connection with C.M.P.No.2107 of 2016.

सत्यमेव जयते
-sd/-

15/04/2019

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.

TO

1 THE XI ADDITIONAL SPECIAL JUDGE,
SPECIAL COURT FOR BANK AND FINANCIAL
INSTITUTIONS, CBI CASES, CHENNAI.

2 THE SPECIAL PUBLIC PROSECUTOR,
CBI CASES, HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CENTRAL BUREAU INVESTIGATION (CBI),
SPE/SCB/CBI/MADRAS,
R.C.NO.7 TO 10/85, AND
12 TO 15/85 AND 17/85/SPE/SCB/CBI/MADRAS.

+1C.C. to M/S.M.MOHIDEEN PICHAI Advocate on payment of
necessary charges SR NO.7886

Order

in
CRL MP.4862/2019

in
CRL A.146/2016

Date :15/04/2019

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copies of the BAIL/Anti.BAIL Orders in this format

MK:22/04/2019

सत्यमेव जयते

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