

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of September Two Thousand Nineteen
PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL MISCELLANEOUS PETITION No.13267 of 2019

in CRL.A.No.349 OF 2019

R.SOMAYAJI

[PETITIONER]

Vs

[RESPONDENT]

STATE BY
INSPECTOR OF POLICE,
SP, CBI, EOW/ACB,
CHENNAI,
RCMA1 6(A)/1996, 7(E)/1996,
8(E)/1996, 9(E)/1996,
10(E)/1996 AND 33(A)/1997.

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the conditions i.e. the petitioner shall report the trial court 1st working day of every month 10.30 am imposed in Crl.M.P.No.7868 of 2019 in C.A.No.439/2019 order dated 20.6.2019.

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

The petitioner is A3 in C.C.No.36 of 1998 on the file of VIII Additional Special Judge for CBI Cases and in the conclusion of trial proceedings, he was convicted and sentenced under Prevention of Corruption Act,1988, against which, he has filed an appeal in C.A.No.349 of 2019 before this Court. He had also filed a petition for suspension of sentence in Crl.M.P.No.7868 of 2019, wherein, this Court had suspended the substantive sentence of imprisonment imposed on him on 20.6.2019 and he was enlarged on bail. One of the condition is that the petitioner shall report before the trial Court on the first working day of every month at 10.30 a.m.

2. Learned counsel for the petitioner submits that the petitioner was employed as an Assistant General Manager at that

point of time in Indian Bank, now he is around 72 years, other than this case, he does not have any other case. The only allegation against him is that he had processed files without verifying the particulars. Further it is submitted that now he has shifted his residence to Bangalore and he is staying in Bangalore, during May 2019, he had met with a major accident and suffered head injuries, due to which, he is unable to travel long distance, with great difficulty, he has been complying with the conditions imposed on him so far. Further, he has been advised by the Doctor that he has to avoid travelling long distance as he is an heart patient, otherwise, his health condition would deteriorate.

3. Learned Special Public Prosecutor, CBI Cases submits that the petitioner had been complying with the condition regularly and the above facts are not disputed.

4. In view of the submissions made on either side, this court is inclined to modify the condition imposed on the petitioner. Accordingly, the condition imposed on the petitioner by this Court on 20.6.2019 that the petitioner to appear before the trial court on every first working day of a month at 10.30 a.m., is hereby modified to the effect that he has to appear before the trial court once in four months on every first working day of that month at 10.30 a.m.

5. Except the above modification, the other conditions imposed in the order dated 20.6.2019 shall remain unaltered.

6. The petition is ordered accordingly with the above modification.

-sd/-
17/09/2019

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 VIII ADDITIONAL SPECIAL
JUDGE FOR CBI CASES,
CITY CIVIL COURT, CHENNAI.

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

3 INSPECTOR OF POLICE,
SP, CBI, EOW/ACB, CHENNAI,

C.C. to M/S. SUNDER MOHAN Advocate on payment of necessary charges

Order
in

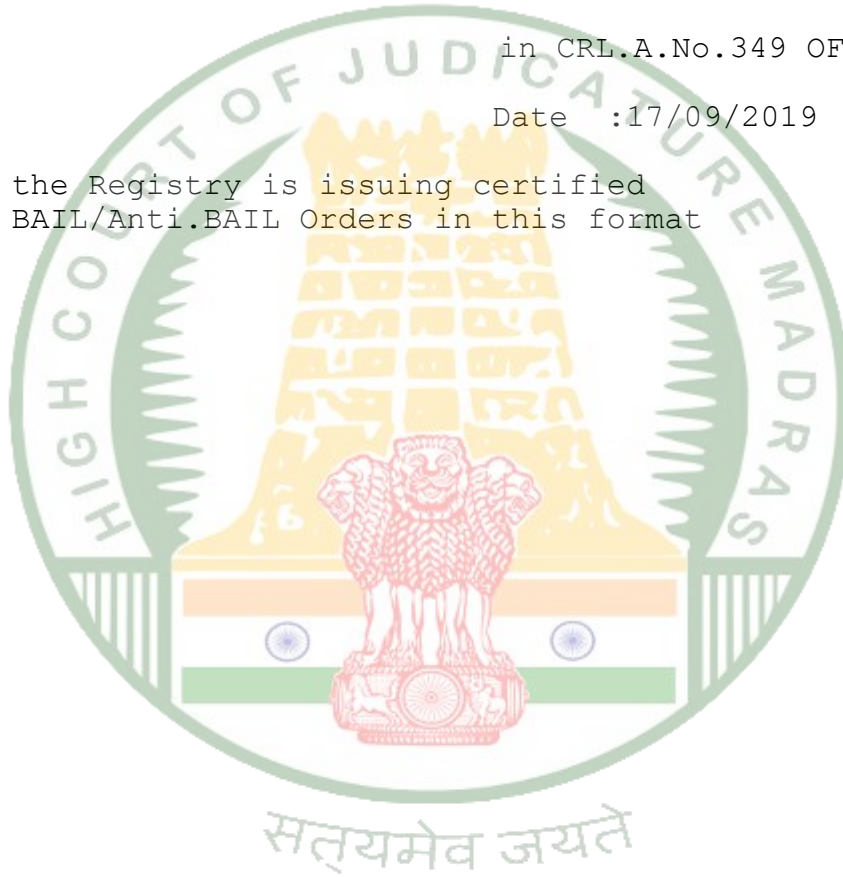
CRL MP.13267/2019

in CRL.A.No.349 OF 2019

Date :17/09/2019

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RVR 26/09/2019



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