

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.14078 of 2019

IN CRL.A.No.370 of 2019

R.RENGASAMY

[PETITIONER]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CBI/SPE/EOW,
CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To relax the condition imposed to the petitioner that he should appear before the trial court on the first working day of every English Calendar month at 10.30 am starting from the first working day of October 2019 in Crl.M.P.8080/2019 in Crl.A.370/2019 of 2019 in order dated 24.06.2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.A.V.SOMASUNDARAM, Advocate for the petitioner, and of MR.K.SRIVIVASAN, Special. Public Prosecutor for CBI-cases, on behalf of the Respondent, the court made the following order:-

This petition is filed to totally relax the condition imposed by this court on the petitioner that he should appear before the trial court on first working day of every month at 10.30 a.m., from first working day of October 2019 in Crl.M.P.No.8080 of 2019 in Crl.A.No.370 of 2019 on 24.6.2019.

2. The petitioner, who was arrayed as A4 in C.C.No.36 of 1998 was convicted and sentenced by the learned VIII Principal Special Judge for CBI cases for the offences under Section 120B r/w.420, 109 r/w.420, 467, 471 r/w.467, 468 IPC, r/w.13(2) r/w.13(1)(c) and (d) of Prevention of Corruption Act, 1988 and he was sentenced as follows;

Conviction	sentence
u/s.120B r/w.420, 109, r/w.420, 467, 471 r/w.467, 468 IPC r/w.13(2) r/w.13(*1) (c) and (d) of Prevention of Corruption Act, 1988	3 years RI and fine of Rs.10,000/-, in default, to undergo SI for nine months.
u/s.13(2) r/w.13(1)(c) and (d) of the Prevention of Corruption Act, 1988	3 years RI and fine of Rs.10,000/-, in default, to undergo SI for 9 months.

3. Against the conviction and sentence, the petitioner preferred Crl.A.No.370 of 2019 before this Court along with petition for suspension of sentence of imprisonment imposed on the petitioner in Cr.MP.No.8080 of 2019, wherein, this Court, vide its order dated 24.06.2019, while suspending the substantial sentence of imprisonment, enlarged the petitioner on bail one on of the condition that the petitioner shall report before the trial court once in every month on every first working day of that month starting from October 2019 until further orders till the disposal of the appeal.

4. Learned counsel for the petitioner would submit that the medical condition of the petitioner is such that he may be exempted from complying with the condition immediately and further sought three months exemption to comply with the condition to appear before the trial court on first working day of every month. He would further submit that taking in to account the above ailment of the petitioner, this court also on 24.06.2019, while suspending the sentence of the petitioner, had directed the petitioner to appear before the trial court from October 2019 onwards and accordingly, the petitioner appeared before the trial court on 1.10.2019.

5. It is his further submission that the petitioner is suffering from Post Rectal Cancer incisional Hernia and is undergoing treatment for the same and the petitioner needs nursing assistance home care treatment, sterile atmosphere to avoid further infection, he is not not in a position to travel even for a short distance without assistance. Thus he prayed for total relaxation of the condition imposed on him.

6. Heard learned counsel for petitioner and perused the materials available before this Court.

7. The petitioner, in his affidavit, at para 7, has stated as follows;

' 7. The petitioner is undergoing treatment for Post Rectal Cancer incisional Hernia with urinary incontinence and several peripheral Neuropathy at Chennai Obesity and Gastro Surgeons Centre from 2011 and is under further medications. The petitioner has Type 2 Diabetes Mellitus and requires periodic checkup on continuous basis for lifelong. Due to the said ailments and in view of all the mentioned high risk factors, the petitioner should not be

exposed to any travel even for a short distance or any outside environment as the petitioner needs high level of assistance in order to avoid further infection.' and he has also produced medical records.

8. On perusal of the medical records, it is seen that the illness of the petitioner seems to be serious in nature. In view of the same, this court is of the view that if the petitioner is directed to appear before the trial court on first working day, he would be exposed to crowd and the petitioner will be prone to infection, which would be detrimental to his health.

9. Considering the fact that the petitioner is undergoing medical treatment and taking note of the fact of his ailments and the present health condition of the petitioner needs assistance prone to infection, the condition imposed on the petitioner by this Court is modified as follows;

The petitioner is directed to appear before the trial Court once in four months on every second Monday of that month at 10.30 a.m., until further orders.

10. With the above modification, this petition is disposed of.

-sd/-
04/10/2019

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

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

TO

1 THE INSPECTOR OF POLICE,
CBI/SPE/EOW,
CHENNAI.

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

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

+1 C.C. to M/S.A.V.SOMASUNDARAM Advocate on payment of
necessary charges SR.NO.20650

Order

in
CRL MP.14078/2019
in
CRL.A.370/2019

Date :04/10/2019

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