

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.17446 of 2018

IN CRL.OP.NO.29761 OF 2018

CRIMINAL MISCELLANEOUS PETITION No.6015 of 2019

IN CRL.OP.NO.11627 OF 2019

K.LIYAKATH ALI

[PETITIONER / ACCUSED
IN CRL.MP.NO.17446 OF 2018
IN CRL.OP.NO.29761 OF 2018]

A.A.S.HAROON RASHEED

[PETITIONER / ACCUSED
IN CRL.MP.NO.6015 OF 2019
IN CRL.OP.NO.11627 OF 2019]

Vs

STATE REPRESENTED BY, [RESPONDENT
DEPUTY DIRECTOR IN BOTH THE PETITIONS]
DIRECTORATE OF ENFORCEMENT,
GOVERNMENT OF INDIA,
DEPARTMENT OF REVENUE,
NO.83 AND 84 GREMAS ROAD,
CHENNAI-600 006.

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.OP.NO.11627 OF 2019 on the file of the High Court, the High Court will be pleased to

[i] stay all further proceedings in C.C.No.2 of 2017 on the file of the XII Addl. Judge for CBI Cases and Designated court for PMLA Cases, Chennai pending disposal of the present CRL.OP.NO.29761 OF 2018 [IN CRL.MP.NO.17446 OF 2018]

[ii] stay all further proceedings in C.C.No.2 of 2018 on the file of the XII Additional Judge for CBI Cases and Designated Court for PMLA Cases pending disposal of the present CRL.OP.NO.11627 OF 2019 [IN CRL.MP.NO.6015 OF 2019]

Order : These petition coming on for orders upon perusing the petition and Memorandum of Grounds in CRL.OP.NOS.29761 OF 2018 & 11627 OF 2019 On the file of the High Court and upon hearing the arguments of M/S.B.SATISH SUNDAR, Advocate for the petitioner [IN BOTH THE PETITIONS] and of M/S.N.RAMESH SPECIAL PUBLIC PROSECUTOR [IN BOTH THE PETITIONS] on behalf of the Respondents the court made the following order:-

[Order of the Court was made by M.M.SUNDRESH,J.]

The learned counsel for the petitioners submitted that though change of vakalat has been filed, the same is not yet taken note of by the Registry. Accordingly, we may accept the submission made by the learned counsel for the petitioners that no other counsel appeared for the petitioners.

2. Crl.O.P.No.29761 of 2018 has been filed by A.3 and Crl.O.P.No.11627 of 2019 has been filed by A.2, seeking to quash the proceedings pending in C.C.No.2 of 2018 on the file of the Principal Sessions Court, Chennai, [Special Court constituted under Section 43(1) of The Prevention of Money Laundering Act, 2002 (PMLA)].

3. At the initial stage, this Court granted orders of stay in favour of the petitioners. On the last occasion, a submission has been made by the learned Special Public Prosecutor appearing for the respondent-Enforcement Directorate that one of the accused, viz., A.1 seeks to invoke Sections 306 and 307 IPC by turning himself as an approver by claiming burden. The said application could not be considered. In case any prejudice would be caused, the trial Court is allowed to go on while passing appropriate orders to protect their interest.

4. Learned counsel appearing for the petitioners would submit that inasmuch as a date has been fixed for hearing of the main petitions, the earlier interim order granted need not be disturbed. Learned counsel further submitted that there are substantial issues involved to be adjudicated in these criminal original petitions and therefore, there is no need for modification.

5. The fact that A.1 has invoked Sections 306 and 307 IPC seeking permission of the Court to turn himself as an approver is not in dispute. The further fact that such application is not able to be proceeded with, in view of the pendency of the interim order, which is also not in dispute.

6. We feel that no prejudice would be caused to the petitioners at this stage by modifying the interim order passed. In the event these petitions being dismissed, the trial will have to start afresh. As of now, the matter has been pending for more than two years.

7. In such view of the matter, we are inclined to modify the earlier interim order granted by this Court by holding that the trial can go on. However, the said Special Court shall not take a final decision by passing judgment without further orders from the Court. The above CrI.M.P.Nos.17446 of 2018 and 6015 of 2019 stand disposed of accordingly.

8. Post the main criminal original petitions on 20.11.2019 along with other connected main criminal original petitions.

-sd/-
04/11/2019

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 XII ADDITIONAL JUDGE FOR CBI CASES AND
DESIGNATED COURT FOR PMLA CASES
CHENNAI.

2 THE PRINCIPAL SESSIONS COURT,
CHENNAI [SPECIAL

3 THE DEPUTY DIRECTOR
DIRECTORATE OF ENFORCEMENT,
GOVERNMENT OF INDIA,
DEPARTMENT OF REVENUE,
NO.83 AND 84 GREMAS ROAD,
CHENNAI-600 006.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

WEB COPY

+2C.C. to M/S.B.SATISH SUNDAR Advocate on payment of
necessary charges SR NOS.22811, 22812

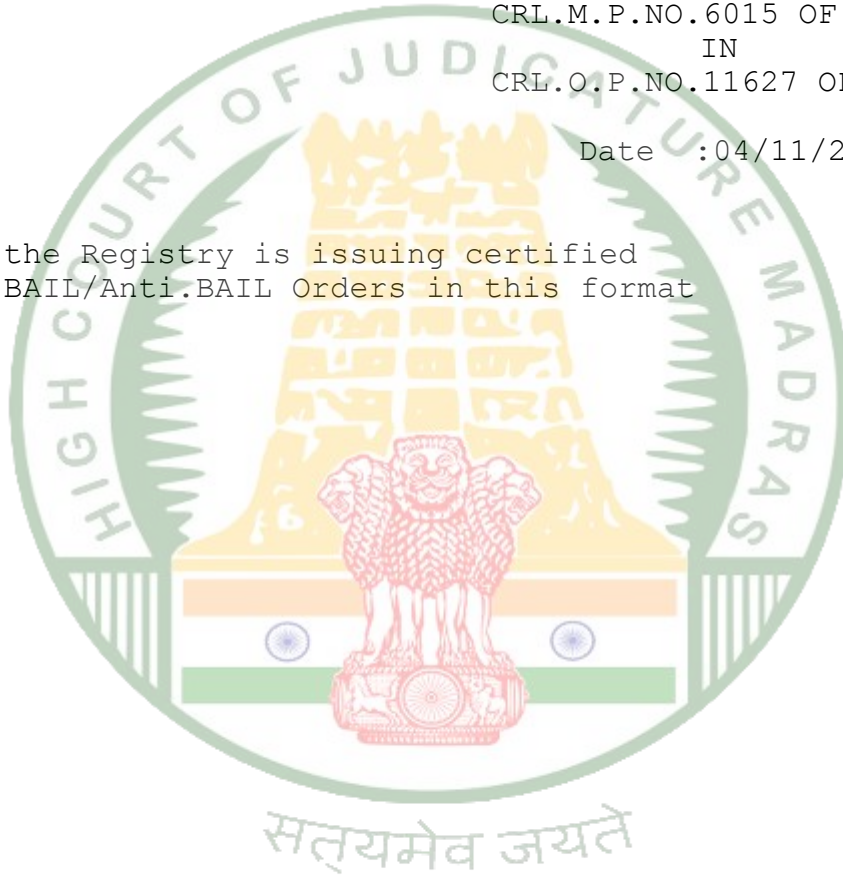
Order

in
CRL.M.P.NO.17446 OF 2018
IN
CRL.O.P.NO.29761 OF 2018
AND
CRL.M.P.NO.6015 OF 2019
IN
CRL.O.P.NO.11627 OF 2019

Date :04/11/2019

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

MK:12/11/2019



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