



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.7796 of 2019
IN
CRL A(MD) No.76 of 2019

B.BANUMATHI

... PETITIONER/ PETITIONER/
APPELLANT

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CBI:ACB CHENNAI.
R.C.NO.19/A/2008

... RESPONDENT/ RESPONDENT/
RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to totally relax the condition imposed by this Hon'ble Court in CRL.M.P(MD) No.1850 of 2019 in CRL.A.(MD) No.76 of 2019 dated 01.03.2019.

Prayer in CRL MP(MD) . 1850/ 2019 :

To suspend the sentence passed by the Learned II Additional District Judge for CBI Cases, Madurai in C.C.No.3/2009 dated 24/12/2019 pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.B.VINOTHKUMAR, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed by the petitioner to relax the condition imposed by this Court in Crl.M.P.(MD)No.1850 of 2019 in Crl.A.(MD)No.76 of 2019, dated 01.03.2019.

2. This Court, while entertaining the Criminal Appeal, has suspended the substantive portion of sentence, pending disposal of the appeal, with the following conditions:

i) that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned District Judge for CBI Cases, II Additional District Court, Madurai; and



ii) that the petitioner shall appear before the learned District Judge for CBI Cases, II Additional District Court, Madurai at 10.30 am on the first working day of every English Calendar month.

3. The learned Counsel appearing for the petitioner sought to relax the second condition, on the ground that the petitioner is aged about 66 years and also suffers from very many ailments and therefore, it is very difficult for her to comply with the same.

4. Per contra, the learned Additional Public Prosecutor appearing for the State, on instructions, submitted that the petitioner was absconding for more than seven years and only after securing the petitioner, the trial was proceeded.

5. The aforesaid condition was imposed by this Court for the purpose of monitoring the petitioner's availability by the investigating agency pending the appeal. Moreover, this petitioner was absconding for more than seven years during the trial and therefore, this Court is not inclined to entertain this petition.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed.

7. Registry is directed to prepare the typedset of papers and post the main Criminal Appeal for final hearing.

sd/-
05/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE DISTRICT JUDGE FOR CBI CASES,
II ADDITIONAL DISTRICT COURT, MADURAI.
- 2.THE INSPECTOR OF POLICE,CBI:ACB CHENNAI.
- 3.THE SUPERINTENDENT,CENTRAL PRISON FOR WOMEN, MADURAI.
- 4.THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.7796 of 2019
IN
CRL A(MD) No.76 of 2019
Date :05/09/2019

TK/MMS/SAR.3/12.09.2019/2P/6C

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