



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

Monday, the Thirty First day of August Two Thousand Twenty

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PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

Crl.M.P. (MD) .Nos.4015 and 4016 of 2020
IN
Crl.A. (MD)No.231 of 2020

S.JOTHINDRA GEETH PRAKASH

... PETITIONER/APPELLANT/
SINGLE ACCUSED
IN BOTH THE PETITIONS

Vs

THE STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
NAGERCOIL,
CR NO.6/2006 OF V AND AC, NAGERCOIL

... RESPONDENT/RESPONDENT/
COMPLAINANT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD)No.4015/2020 in Crl.A. (MD)No.231 of 2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the absence to report the condition on 03.08.2020 before the learned Special Judge / Cheif Judicial Magistrate, Nagercoil as ordered in Crl.MP(MD)No.3636/2020 dated 21.07.2020 in C.A.No.231/2020 on the file of this Hon'ble Court.

Prayer in CRL MP(MD)No.4016/2020 in Crl.A. (MD)No.231 of 2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition imposed on the petitioner/appellant to appear before the Special Judge/Chief Judicial Magistrate, Nagercoil on first working day of every Engilsh Calendar month at 10.30 am until further orders in Crl.MP(MD)No.3636/2020 dt 21.07.20.

Prayer in CRL MP(MD)No.3636/2020 in Crl.A. (MD)No.231 of 2020 :

To suspend the sentence of imprisonment imposed on the appellant/accused in Special Case NO.3/2008 dated 25/06/2020 on the file of the Special Judge/Chief Judicial Magistrae, Nagercoil and enlarge him on bail till the disposal of the appeal.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.R.VENKATESWARAN, Advocate for the petitioner in both the



petitions and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent in both the petitions, the court made the following order:-

The petitioner was tried before the learned Special Judge/Chief Judicial Magistrate, Nagercoil, for the offence under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and by order dated 25.06.2020, in Special Case No.3 of 2008, the Special Court found this appellant / petitioner guilty for the offence charged, convicted and sentenced to undergo 3 years of rigorous imprisonment for each offence along with fine amount of Rs.50,000/- for each, in default to undergo one year simple imprisonment. The sentence imposed on the petitioner is ordered to run concurrently.

2. Aggrieved over the same, the petitioner preferred criminal appeal before this Court in C.A.(MD)No.231 of 2020 along with an application to suspend the sentence pending the criminal appeal. This Court by order dated 21.07.2020, granted suspension of sentence on a condition that the petitioner/appellant shall report before the trial Court on the first working day of every English Calendar month.

3. Now, it is the grievance of the petitioner/appellant that he is suffering with certain ailments on his back bone and he cannot stand for more than one hour continuously and therefore, he could not appear before the trial Court at Kanniyakumari District for every month and therefore, he did not appear on 03.08.2020. Further, it is stated that the petitioner is now residing at Madurai District.

4. Therefore, the petitioner has filed Crl.M.P.(MD).No.4015 of 2020 to condone his absence before the trial Court on 03.08.2020 and Crl.M.P.(MD).No.4016 of 2020 to relax the condition of reporting before the trial Court on the first working day of every English calendar month.

5. This Court in Crl.M.P.(MD).No.4015 of 2020 vide order dated 19.08.2020, passed a conditional order that the petitioner shall pay a sum of Rs.5,000/- to Rojavanam, an Old Age Home at Madurai. Accordingly, the petitioner has paid a sum of Rs.5,000/- to the abovesaid Old Age Home on 20.08.2020 and enclosed a receipt for the same. Therefore, Crl.M.P.(MD).No.4015 of 2020 is allowed and the absence of the petitioner before the trial Court on 03.08.2020 is condoned.

6. The petitioner has also produced certain medical documents to substantiate his case that he is suffering with certain ailments and therefore, he could not stand for more than one hour and he could not travel upto Natergoil at Kanniyakumari District, to report before the trial Court on the first working day of every English calendar month.



7. Earlier, the Additional Public Prosecutor was directed to verify the medical condition of the petitioner, as to whether he is not fit to travel to the trial Court in Kanniyakumari District and to report before the trial Court on every month.

8. Pursuant to the direction, the learned Additional Public Prosecutor has also verified through the respondent police and submitted that the petitioner is suffering with certain ailments as stated in the petition and hence, he cannot stand for more than one hour and it is very difficult for him to travel upto Kanniyakumari from Madurai to comply with the condition on every month.

8. In view of the medical ground, the earlier condition imposed by this Court vide order dated 21.07.2020 in Crl.M.P.(MD).No.3636 of 2020 in Crl.A.(MD).No.231 of 2020 is modified, to the effect that the petitioner shall appear before the Special Court for Vigilance and Anticorruption cases at Madurai on the first working day of every English calendar month.

9. Accordingly, Crl.M.P.(MD).No.4016 of 2020 is allowed.

sd/-

31/08/2020

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/ /2020

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

TO

1. THE SPECIAL JUDGE/CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL.
2. THE SPECIAL JUDGE FOR VIGILANCE AND
ANTICORRUPTION CASES, MADURAI.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION, NAGERCOIL,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.VENKATESWARAN Advocate SR.No. 6189

ORDER IN

CRL MP(MD)Nos.4015 & 4016/2020 IN
CRL A(MD) No.231 of 2020

Date :31/08/2020

TM

TE/VR/SAR-II : 11/09/2020 : 3P/6C