



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

Monday, the Seventh day of December Two Thousand and Twenty
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL.M.P(MD)No.6538 of 2020

in

CRL.M.P(MD)No.1159 of 2019

in

CRL.A.(MD)No.29 of 2019

C.R.SUBRAMANIAN

... PETITIONER/APPELLANT/2nd ACCUSED
IN CRL.M.P(MD)NO.6538 OF 2020

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

CBI, ACB, CHENNAI.

(CRIME NO. RC 19/A/2008)

... RESPONDENT/RESPONDENT/COMPLAINANT
IN CRL.M.P(MD)NO.6538 OF 2020

Prayer in CRL.M.P(MD)No.6538 of 2020:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Modify the condition imposed in Crl. M. P. (MD) No. 1159/2019 in C.A (MD) No. 29/2019 dated 04.03.2019.

Prayer in CRL MP(MD). 1159/ 2019 :

To suspend the sentence imposed on the petitioner by Honourable II Additional District Court for CBI Cases, at Madurai in C.C.No.3 of 2009 by his Judgment dated 24.12.2018 and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL.A(MD) No.29 of 2019:

To call for records in C.C.No.3 of 2009 on the file of the II Additional District Court for CBI Cases, Madurai and set aside the conviction passed by judgment dated 24.12.2018.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.D.JOHNSON, Advocate for the petitioner and of M/S.L.VICTORIA GOWRI, Assistant Solicitor General on behalf of the Respondent, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General appearing for the respondent CBI.

2.The petitioner seeks modification of the condition imposed on him. This is seriously objected to by the learned Assistant



3.The petitioner's counsel states that the petitioner was convicted and sentenced in C.C.No.3 of 2009 on the file of the Additional District Court for CBI, Madurai. The sentence was suspended by this Court in Crl.A.No.29 of 2019 and that, the petitioner was directed to appear before the jurisdictional Court on the first working day of every month. It is a condition that is sought to be modified.

4.As rightly objected to by the learned Assistant Solicitor General, such a condition cannot be modified. This is a standard and usual condition that is imposed in every appeal to ensure that the accused / convicted appellant is available till the disposal of the trial. But then, the learned counsel for the petitioner would point out that the petitioner, who is aged about 71 years, is said to be taking treatment for cancer. He is now taking treatment in Marayoor in Idukki District, Kerala. The petitioner is not in a position to comply with the condition. Convincing material have been placed before this Court to show that the petitioner is presently in Marayoor.

5.The learned counsel for the petitioner states that the condition imposed on the petitioner can be relaxed till the end of March 2021.

6.Since the materials have been placed before this Court and the learned counsel also confirmed their genuineness, I am of the view that this condition, which presently could not be complied with by the petitioner, can be relaxed. It is accordingly relaxed till the end of March 2021. The petitioner shall appear before the Special Court concerned on the first working day of April 2021.

7.With this modification, this miscellaneous petition is partly allowed.

sd/-
07/12/2020

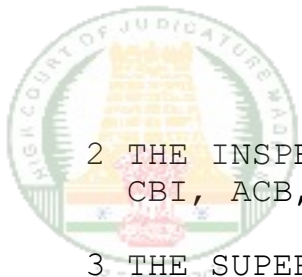
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO
1 THE JUDGE,

<https://hcservices.eas.gov.in/CaseFiles.aspx> DISTRICT COURT FOR CBI CASES, MADURAI.



2 THE INSPECTOR OF POLICE,
CBI, ACB, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P (MD) No.6538 of 2020
in
CRL.M.P (MD) No.1159 of 2019
in
CRL.A. (MD) No.29 of 2019
Date :07/12/2020

RMI
JM/SMA/SAR III/10.12.2020/3P/5C