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Cont.P.No.1495 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Contempt Petition No.1495 of 2016

Dr.R.Radhakrishnan,
No.16/52, Bharathi Park,
Cross II, Sibaba Colony,
Coimbatore 11

... Petitioner

-VS-

A.Muraleetharan,
Special Judge,
Special Court under Prevention of
Corruption Act,
Coimbatore.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for his willful disobedience to comply with the orders of this Court dated 24.11.2015 made in W.A.No.588/2014.

For Petitioner : Dr.R.Radhakrishnan,
Party-in-person
For Respondent : Mr.Karthik Ranganathan

ORDER

(Order of the Court was made by **T.RAJA.J**)

The petitioner has filed this Contempt Petition against the Special



for the willful disobedience and non-compliance of the order passed by this Court in W.A.No.588/2014 in and by which while dismissing the said writ appeal, the learned Single Judge, has directed the trial court to dispose of the Spl.C.C.No.9/2013 within six months.

2. Insofar as the Spl.C.C.No.9/2013 is concerned, admittedly, there were 136 witnesses cited by the prosecution. When the charge sheet was received on 02.11.2016, the Special Court has framed the charges on 11.01.2017. Though this Court in W.A.No.588/2014 by an order dated 09.03.2015 has granted six months time to dispose of the Spl.C.C.No.9/2013, as the prosecution has listed out 136 witnesses, in view of the long list of the witnesses, the Special Court was unable to complete the trial within the stipulated time. In the meanwhile, the Spl.C.C.No.10/2012 was disposed of by finding the petitioner guilty under Sections 7 and 13 (2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. Consequently, he was convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 3 months for the offence under Section 7 of the Prevention of Corruption Act and also sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for one year for the offence under Section



Crl.A.No.771/2016 was filed before this Court. The same was also dismissed by judgment dated 04.12.2017, thereby confirming the judgment of the Special Court under the Prevention of Corruption Act. Aggrieved against, the petitioner has taken up the matter to the Apex Court and the same is still pending.

3. Therefore, as the petitioner has been found guilty and sentenced to undergo the punishment as stated supra, Mr.Ramadhas, the learned Special Judge, in his letter dated 29.10.2021 has asked for six more months time citing multiple reasons that firstly, the petitioner has filed a petition under Section 451 of Cr.P.C. seeking return of documents and the same is pending in CMP.No.589/2013; secondly, one Matheswaran/3rd party filed a petition to issue 'No Objection Certificate' for registering the sale deed in respect of the properties of the 2nd accused Amirthasanjivi and the same is also pending in CMP.No.263/2015; thirdly, the police also filed an application under Section 3(1) of the Criminal Law Amendment Ordinance 1944 to attach the properties related to this case and the same is also pending in CMP.No.187/2016; fourthly, 136 witnesses were cited as witnesses in the charge sheet and out of them, P.W.1 to P.W.6 were examined and Ex.P.1 to Ex.P.10 were marked and due to covid 19 pandemic situation, further witnesses could not be examined; and fifthly, it



Corruption Act that he has been transferred and posted as Special Judge for Special Court for cases under Prevention of Corruption Act, Coimbatore and he has taken charge of the above court on 02.09.2021 and the High Court of Madras in ROC.No.74304/2021-B2, 70915-A/2021-B2 and 79730/2021-B2 and Notification No.234/2021 dated 15.09.2021 has conferred powers to him for trying the cases under the prevention of Corruption Act, with effect from the date on which he took full additional charge of the post of Special Judge.

4. Under such circumstances, since the petition filed under Section 451 of Cr.P.C. seeking return of the documents is pending in CMP.No.589/2013 that one Magheswaran/3rd party has filed a petition to issue, 'No Objection Certificate' for registering the sale deed in respect of the properties of the 2nd accused Amirthasanjivi and the same is pending in CMP.No.263/20915 and that the police also filed an application under Section 3(1) of the Criminal Law Amendment Ordinance 1944 to attach the properties related to this Court in CMP.No.187/2016, without disposing of all these petitions, the trial could not have taken place. More over, 136 witnesses had to be examined. In the meanwhile, the unfortunate Covid-19 has intervened and as a result, the lawyers were unable to take part in the physical hearing. Only very recently, the High Court has permitted the trial



normalcy is limbing gradually, therefore, we are unable to find any merit on this Contempt Petition.

5. More over, the request made by Mr.M.Ramadhas, Special Judge, Special Court for trial of Prevention of Corruption Act, Coimbatore, seeking extension of time to dispose of Spl.C.C.No.9/2013 cannot be refused, therefore, the prayer for grant of six months time is granted. Since the charges were framed on 11.01.2017, we direct the learned Special Judge, Special Court under the Prevention of Corruption Act, Coimbatore, to proceed with the Spl.C.C.No.9/2013 on day-to-day basis and dispose of the same on merits and in accordance with law, within a period of six months.

6. With the above observation and direction, the Contempt Petition is dismissed. List this matter after six months "for reporting compliance".

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

tsi

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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GS/01/12/2021



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The Special Judge,
Special Court under the Prevention of Corruption Act,
Coimbatore