



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the First day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.12975 of 2021

IN

CRL.A.No.633 OF 2019

S.ARIVARASU

[PETITIONER]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
CBI/SCB/CHENNAI,
R.C.NO.6(2)/2010.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the condition imposed to the petitioner directed to appear before the Trial Court on the first working day of every month at 10.30 a.m., in Crl.M.P.No.13608 of 2019 by its order dated 23/09/2019.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner and of M/S K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

This petition has been filed to relax the condition that the petitioner shall report before the Trial Court on the first working day of every English Calendar Month at 10.30 a.m., imposed in Crl.M.P.No.13608 of 2019 in Crl.A.No.633 of 2019 dated 23.09.2019.

2. The petitioner/appellant was convicted for the offence under Sections 120-B r/w. 420, 467, 468, 471 & 472 IPC and Section 13(1)(d) r/w.13(2) of the Prevention of Corruption Act and of the substantive offences punishable u/s.420, 471 of IPC and Section 13(1)(d)r/w.13(2) of the Prevention of Corruption Act 1988 and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5000/-, in default, to undergo Simple Imprisonment for six months for the offence under Sections 120-B r/w. 420, 467, 468, 471 & 472 IPC and Section 13(1)(d) r/w.13(2) of the Prevention of Corruption Act and also sentenced to undergo rigorous imprisonment for two years and and



to pay a fine of Rs.5000/- in default, to under go simple imprisonment for six months for the substantive offences punishable u/s.420, 471 of IPC an Section 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act 1988. Challenging the same, the petitioner has preferred an appeal before this Court. Pending appeal, he seeks suspension of sentence and this Court, by an order, dated 23.09.2019 suspended the sentence with a condition that the petitioner should appear before the concerned trial Court on the first working day of every month at 10.30 a.m.

3. The learned counsel for the petitioner submitted that the petitioner has been regularly complying with the above condition from the month of October 2019, till date, i.e., for nearly 3 years. He further submitted that the petitioner is suffering from various illness and he is not in a position to appear before the Trial Court once in a month and hence, sought for relaxation of the above condition.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, submitted that the petitioner is complying with the condition from October 2019.

5. Considering the above submission, the condition imposed by this Court, on 23.09.2019, is modified to the effect that the petitioner shall appear before the Trial Court once in three months, on the first working day commencing from 14.02.2022. The other condition remains unaltered.

6. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

01/02/2022

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 II ADDITIONAL DISTRICT
JUDGE (CBI CASES), COIMBATORE.



2 INSPECTOR OF POLICE,
CBI/SCB/CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

C.C. to M/S.K.KANNAN Advocate on payment of necessary charges

Order
in
CRL MP.12975/2021

IN CRL.A.No.633 OF 2019

Date :01/02/2022

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

RVR 03/02/2022