



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A(MD)No.1384 of 2015

and

M.P.(MD)No.1 of 2015

Sh.S.Jegadesan @ Surya

... Appellant / Appellant

-Vs-

Special Director of Enforcement Directorate,
New Delhi

... Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C. r/w Section 54 of FERA, praying this Court to set aside the Appeal No.151 of 2009 on the file of the Appellate Tribunal for Foreign Exchange, New Delhi, dated 24.08.2015.

For Appellant	: Mrs.N.Krishnaveni, Senior Counsel, For Mr.P.Thiagarajan
For Respondent	: Mr.R.Anand Raj, For Mr.R.Vijaya Rajan

JUDGMENT

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The appellant challenges the order of the Appellate Tribunal for Foreign Exchange, directing pre-deposit of 15% of the penalty imposed against the appellant, within a period of 30 days from the date of communication of the order, as a pre-condition for entertaining the appeal.

2.By the very same order impugned in this appeal, the Tribunal had directed one Ashok Kumar Doshi also, co-accused in this case, to make such pre-deposit. It is now brought to our notice that the said Ashok Kumar Doshi had challenged the said order before the Calcutta High Court in W.P.No.144 of 2016. By order dated 05.05.2016, the Calcutta High Court has set aside the order and permitted him to prosecute the appeal without pre-deposit.



3. Though the learned counsel for the respondent has contended that pre-deposit is an essential condition, since the Calcutta High Court had permitted another accused in the same case to prosecute the appeal without pre-deposit, we do not think that we should take a different view. More so, since the order of the Calcutta High Court dated 05.05.2016 has not been challenged and has become final, this Civil Miscellaneous Appeal is allowed and the appellant is entitled to prosecute the appeal without having to deposit any amount by way of pre-deposit. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-i)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Appellate Tribunal for foreign Exchange,
New Delhi.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.R.VIJAYARAJAN, Advocate (SR-14969[F] dated 28/03/2022)

+1 CC to M/s.P.THIYAGARAJAN, Advocate SR-14998[F] dated 28/03/2022

JUDGMENT MADE IN
C.M.A. (MD)No.1384 of 2015
25.03.2022

ks (CO)
TR(12.04.2022) 2P 6C