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Crl.M.P.No.6126 of 2023
in Crl.A.No.185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.M.P.No.6126 of 2023
in
Crl.A.No.185 of 2023

J.Jayapaul Mohan

... Petitioner

Vs

State Rep. by Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-corruption,
Chennai.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed Under Section 482, Code of Criminal Procedure praying to modify the conditions imposed on the petitioner by order dated 02.03.2023 in Crl.M.P.No.2796 of 2023 in Crl.A.No.185 of 2023 by granting exemption to the petitioner from appearance before the Trial Court in the month of May, 2023 alone.

For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.M.P.No.6126 of 2023
in Crl.A.No.185 of 2023

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed seeking to modify the conditions imposed on the petitioner by order dated 02.03.2023 in Crl.M.P.No.2796 of 2023 in Crl.A.No.185 of 2023 by granting exemption to the petitioner from appearance before the Trial Court in the month of May, 2023 alone.

2. The learned counsel for the petitioner submitted that the petitioner has preferred the appeal aggrieved by the judgment dated 10.02.2023 of the Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Chennai, in C.C.No.10 of 2021, thereby convicting the appellant for the offences under Section 7 of the Prevention of Corruption Act and sentencing the petitioner to undergo rigorous imprisonment for a period of three years with a fine of Rs.1,000/- in default to pay fine to undergo simple imprisonment for three months. Thereafter, this Court granted Suspension of sentence by order dated 02.03.2023 in Cr.M.P.No.2796 of 2023 by imposing the following condition: "(iii) The



Crl.M.P.No.6126 of 2023
in Crl.A.No.185 of 2023

petitioner shall appear before the trial Court monthly twice i.e., 1st and 15th working day of every month at 10.30 a.m, for a period of six months", and the petitioner is also complying the condition without fail from 15.03.2023. He further submitted that, due to the 1st death anniversary of his Father-in-law on 02.05.2023 and the wedding ceremony of his wife's sister's daughter on 22.05.2023, which fall on the 1st & 15th working day, the petitioner is not able to appear and sign before the trial Court. Therefore, the petitioner, seeking exemption from signing before the trial Court on the above mentioned dates, and filed this modification petition.

3.Heard, Mr.Saikrishnan, learned counsel for the petitioner and Mr.A.GokulaKrishnan, learned Additional Public Prosecutor appearing for the respondent.

4. Taking into consideration the facts and the submission made by the learned counsel for the petitioner, Crl.M.P.No.2796 of 2023 in Crl.A.No.185 of 2023, the condition imposed by this Court in para.7(iii) of



Crl.M.P.No.6126 of 2023
in Crl.A.No.185 of 2023

the order dated 02.03.2023, passed in Crl.M.P.No.2796 of 2023 in Crl.A.No.185 of 2023, which reads that "the petitioner shall appear before the trial court monthly twice i.e., 1st and 15th working day of every month at 10.30 a.m., for a period of six months" is modified, by granting exemption to the petitioner from appearance before the Trial Court in the month of May, 2023 alone, and the other conditions remain unaltered.

5. Accordingly, this Criminal Miscellaneous Petition is ordered.

26.04.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

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Note: Issue order copy on or before 27.04.2023.

To

The Special Judge,
Special Court for trial of cases
under the Prevention of Corruption Act,
Chennai.

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Crl.M.P.No.6126 of 2023
in Crl.A.No.185 of 2023

T.V.THAMILSELVI, J.

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Crl.M.P.No.6126 of 2023
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