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CrI.O.P.No.3802 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.3802 of 2024

J.Selvakumar

... Petitioner

Vs.

The Assistant Director,
Directorate of Enforcement,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
seeking to set aside the order of dismissal in CrI.M.P.No.522 of 2024 in
Spl.C.C.No.2 of 2022 order dated 29.01.2024 on the file of the IX
Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondents : Mr.P.Siddharth,
Special Public Prosecutor



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ORDER

*(Order of the Court was made by **M.S.RAMESH, J.**)*

The petitioner who was originally implicated for a criminal offence including the offences under the Prevention of Corruption Act, 1988, was arrested on 09.08.2021. Thereafter, through an order dated 20.06.2023 passed in Crl.M.P.No.4632 of 2023 by the Special Court, the petitioner was enlarged on bail, on a condition that he should deposit a sum of Rs.30,00,000/- before the Special Court. Through a subsequent order dated 11.08.2023 passed in Crl.M.P.No.7014 of 2023, the condition to deposit a sum of Rs.30,00,000/- was modified by permitting the petitioner to deposit the amount in 6 equal monthly installments. While such modification order was passed taking note of the difficulty expressed by the petitioner in paying a lump sum amount, it is the case of the petitioner that thereafter, he had paid a sum of Rs.21,00,000/-. However, when he was not in a position to make the balance payment within the stipulated time, he had sought for extension of time and the same came to be rejected by the Special Court through an order dated



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29.01.2024 passed in Crl.M.P.No.522 of 2024, which order is put under challenge in the present petition before this Court.

2. Heard Mr.K.G.Senthil Kumar, learned counsel for the petitioner and Mr.P.Siddharth, learned Special Public Prosecutor.

3. The learned counsel for the petitioner submitted that the petitioner is facing severe financial crisis and that he is taking all efforts for the strict compliance of the conditional order.

4. In the present petition filed before us, he has tendered an unconditional apology for not complying with the earlier order of the Special Court and he has also undertaken to pay a sum of Rs.9,00,000/- on or before 31.03.2024.

5. We are convinced with the reason assigned by the petitioner for the non-compliance of the conditional order, as well as by taking into account that he is willing to deposit a balance amount of Rs.9,00,000/-



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on or before 31.03.2024, the rejection order of the Special Court may require interference.

6. Accordingly, the order dated 29.01.2024 passed in Crl.M.P.No.522 of 2024 in Spl.C.C.No.2 of 2022 by the IX Additional Special Judge for CBI Cases, Chennai, is set aside. Consequently, the petitioner is granted liberty to deposit a balance amount of Rs.9,00,000/- before the Special Court, Chennai, on or before 31.03.2024.

[M.S.R., J]

[S.M., J]

21.02.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Sni



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To

1.The Assistant Director,
Directorate of Enforcement,
Chennai.

2.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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