



Crl.M.P(MD)No.10257 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.M.P(MD)No.10257 of 2024

in

Crl.A(MD)No.372 of 2019

S.BALAMURUGAN

... PETITIONER/ APPELLANT/ ACCUSED 2

Vs

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI DETACHMENT,
MADURAI DISTRICT.

CRIME NO. 10/2004

... RESPONDENT/RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant suspension of sentence imposed on his nephew / Petitioner / Appellant/ Accused No. 2 namely Balamurugan S/o Subramanian passed by the learned Special Judge for trial of prevention of corruption act cases, Madurai district in Spl Case No.42 of 2011 dated 20.08.2019 and enlarge him on bail, pending disposal of the Criminal Appeal.

Prayer in Crl.A(MD).372/2019:

Pleased to allow the above Appeal and consequently set aside the order of conviction and sentence imposed on the Appellant by the Hon`ble Special Judge for Trial of Prevention of Corruption Act Cases, Madurai District by means of judgment dated 20.08.2019 made in Special Case No.42 of 2011 forthwith.



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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.JEGADEESH PANDIAN, Advocate for M/S.CHELLADURAI.M, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

When the matter was called on 10.09.2024 at the request of the counsel, the matter was listed finally for arguments on 27.09.2024. On that date(10.09.2024), there was no representation for the appellant. Therefore, a direction was issued to the trial Court to issue warrant against the appellant, secure him to serve the sentence, pending the appeal.

2. Yesterday (24.09.2024), a mention was made by Mr.Jagadeesh Pandian, learned counsel, who is representing the second counsel on record Mr.M.Chelladurai, that the first counsel on record was dead. The petitioner was secured yesterday and remanded to custody. The petitioner has been complying the conditions regularly.

3. It was not informed to the Court that the first counsel was dead even at the time of hearing on 10.09.2024. If the first counsel on record is dead, the second counsel ought to have been present before this Court. Why he has not appeared before this Court on that date, was not explained by the representing counsel. Whatever it may be, because of the lapses of the counsels, the parties should not suffer.

4. Having regard to the fact that the petitioner has been complying the



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conditions, and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for Prevention of Corruption Act Cases, Madurai, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-
25/09/2024

/ TRUE COPY /

25/09/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
1 THE SPECIAL JUDGE FOR
TRIAL OF PREVENTION OF CORRUPTION ACT CASES,
MADURAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI DETACHMENT,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.CHELLADURAI, Advocate (SR-11705[I] dated 25/09/2024)

ORDER IN
Crl.M.P(MD)No.10257 of 2024
in Crl.A(MD)No.372 of 2019
Date :25/09/2024

SA/SAR. /25.09.2024/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.