



Crl.O.P.(MD).No.21947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD) No.21947 of 2024

and

Crl.M.P(MD)No.13623 of 2024

C.Jeya

..Petitioner

Vs.

The State of Tamil Nadu
rep.by the Inspector of Police,
Vigilance and Anti-Corruption,
Kanniyakumari Detachment.
In Crime No.10 of 2019

..Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS.,
to call for the records relating to the impugned charge sheet in Spl.Case
No.3 of 2024 on the file of the learned Chief Judicial Magistrate, Special
Court for cases under the Prevention of Corruption Act, Kanyakumari
District at Nagercoil.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.R.Meenakshi Sundaram
Additional Government Pleader



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ORDER

This Criminal Original Petition has been filed against the impugned charge sheet in Spl.Case No.3 of 2024 on the file of the learned Chief Judicial Magistrate, Special Court for cases under the Prevention of Corruption Act, Kanyakumari District at Nagercoil.

2.The case of the prosecution is that during the check period between 01.01.2014 to 30.04.2018, the first accused namely T.Dhanasekar, being a public servant, had acquired disproportionate assets by himself and his wife, A2/petitioner herein, who had intentionally aiding him to acquire the assets and hold the properties and pecuniary resources in her name on behalf of the first accused and thereby committed the offence under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 and Section 109 of IPC.

3.Today (12.12.2024), when the matter was taken up for hearing, after the elaborate submission, the learned counsel for the petitioner seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further requested that considering the age of the



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petitioner, this Court may dispense with the appearance of the petitioner before the trial Court during trial.

4. Considering the submission made by the petitioner, this Court is inclined to accept the request of the petitioner. Hence, this Criminal Original Petition is disposed of with the following directions:

4.1. The petitioner is hereby permitted to raise all the points before the trial Court during the trial.

4.2. The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:

- (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
- (ii) The date of questioning under Section 313 Cr.P.C;
- (iii) On the date of Judgement.

4.2.1. The petitioner is directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates.

4.2.2. The petitioner shall not dispute the identity of the witnesses.

4.2.3. The petitioner shall appear before the Court in the event her



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presence is insisted by the trial judge for the purpose of identification.

4.2.4. If the petitioner adopt any dilatorial tactics, it is open to the Trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of the Hon'ble Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.*

Consequently, connected miscellaneous petition is closed.

12.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbm



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To
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1. The learned Chief Judicial Magistrate,
Special Court for Cases under the Prevention of Corruption Act,
Nagercoil,
Kanyakumari Distict.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Kanniyakumari Detachment,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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12.12.2024