



CrI.M.P.(MD)No.2197 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-02-2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.2197 of 2025

in CrI.A.(MD)No.237 of 2023

S.Abbas Manthiri,
S/o.Shagul Hameed,
Former VAO,
(Valinokkam Group, Ramanathapuram District)
Naatanmaikaara Sandhu,
Bodinayakkanur,
Theni District.

Now residing at:
EL-SHADDAI TRUST
No.2/174, Central Excise Colony,
Iyer Bunglow,
Madurai.

Petitioner(s)

Vs

The State Rep. by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Ramanathapuram District.

Respondent(s)

For Petitioner(s):

Mr.K.Althaf Sheriff
Advocate

For Respondent(s):

Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

This petition is filed to modify the condition imposed against the petitioner by this Court in Crl.M.P.(MD)No.8539 of 2023 in Crl.A.(MD)No.237 of 2023, dated 16.06.2023.

2. The petitioner is an accused in Spl.C.C.No.8 of 2007 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Ramanathapuram. After the trial, the trial Court, by its Judgment dated 28.02.2023, found the petitioner guilty for the offence under Sections 7 and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act and convicted and sentenced him as follows:

(i) for the offence under Section 7 of Prevention of Corruption Act, to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, with the default sentence of 3 months simple imprisonment;

(ii) for the offence under Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, with the default sentence of 3 months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.237 of 2023 along with the petition for suspension of sentence in Crl.M.P.(MD)No.4932 of 2023.



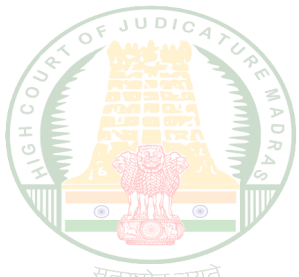
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3. This Court, by its order dated 27.03.2023 in Crl.M.P.(MD)No.4932 of 2023, suspended the sentence imposed against the petitioner with a condition that the petitioner shall appear before the Special Court cum Chief Judicial Magistrate Court, Ramanathapuram, once in a month, i.e. on the first working day of every English Calendar month at 10.30 a.m. till the disposal of the appeal.

4. Thereafter, the petitioner has filed a petition in Crl.M.P.(MD)No.8539 of 2023 seeking to modify the said condition, on health ground. This Court, by its order dated 16.06.2023, considered the same and modified the condition that the petitioner shall appear before the Special Court for Vigilance and Anti Corruption Act cases, Madurai, once in a month i.e. on the first working day of every English Calendar month at 10.30 a.m. until further orders.

5. Admittedly, the Court, where the petitioner was initially appearing and signing, is the trial Court in which he was tried. Thereafter, considering his health condition, this Court, by order dated 16.06.2023, has already modified the Court and directed the petitioner to report before the Special Court for Vigilance and Anti-Corruption Act cases, Madurai, once in a month. Now, the petitioner claims that due



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to his age and ailment, he is not in a position to report before the Special Court for Vigilance and Anti Corruption Act cases, Madurai.

6. The learned counsel appearing for the petitioner submits that the petitioner is aged about 71 years and he is also suffering from high blood pressure and diabetes.

7. Diabetes is not a disease and it is only a disorder and it is also a common one. On this ground, this Court is not inclined to entertain this petition. Moreover, in the earlier petition in Crl.M.P.(MD)No.8539 of 2023, the petitioner has mentioned his age as 65 years. In this petition, the petitioner has projected his age as 72 years. Considering the age as projected by the petitioner in the earlier petition as well as this petition, this Court is not inclined to accept his contention as true.

8. Therefore, this Court is not inclined to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
21/02/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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- TO
- 1 THE SPECIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
RAMANATHAPURAM DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE JUDGE
SPECIAL COURT FOR VIGILANCE AND ANTI
CORRUPTION ACT CASES, MADURAI.

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-1987[I] dated 24/02/2025)

ORDER
IN
CRL MP(MD) No.2197 of 2025
in CrI.A.(MD)No.237 of 2023
Date :21/02/2025

SS/GSV/SAR- /02/04/2025/ 5P/6C

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