



CrI.O.P.(MD)No.1136 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1136 of 2025

and

CrI.M.P.(MD)No.774 of 2025

A.R.Muthukrishnan

... Appellant

versus

The Inspector of Police,
CBI/SCB,
Chennai.
In R.C.No.4(s) of 1994

... Respondent

Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (under Section 482 of the Criminal Procedure Code), seeking to call for the records pertaining to the impugned Distress Warrant dated 06.09.2024 on the file of the Special Court for CBI Cases, Madurai and thereby, quash the same as illegal.

For Appellant : Mr.A.Robinson

For Respondent : Mr.N.Mohideen Basha
Special Public Prosecutor for CBI cases



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ORDER

This Criminal Original Petition has been filed as against the distress warrant issued by the learned II Additional District Judge (CBI Cases), Madurai, in R.C.No.4(S) of 1994 on the file of the Inspector of Police, CBI/SCB/Chennai, which was tried in C.C.No.4 of 1998. The distress warrant is a warrant to levy a fine by attachment of property and sale.

2. The petitioner was found guilty in C.C.No.4 of 1998 by the learned II Additional District Judge (CBI Cases), Madurai, by its Judgment dated 27.12.2002 and he was convicted and sentenced as follows:

(i) for the offence under Sections 120-B r/w. 420, 467, 468, 471 and 381 IPC, to undergo 5 years rigorous imprisonment and to pay a fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for six months.

(ii) for the offence under Section 420 IPC, to undergo 5 years rigorous imprisonment and to pay a fine of Rs.2,00,000/- and in default, to undergo one year rigorous imprisonment.



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3. Apart from that, the petitioner was also tried in C.C.Nos.5 and 6 of 1998. As against the Judgment of conviction and sentence, the petitioner filed Criminal Appeals in CrI.A.Nos.714 to 716 of 2003, which were dismissed by this Court on 05.02.2008. Thereafter, the petitioner has filed a petition before this Court in CrI.O.P.(MD)No.2239 of 2012 seeking to pass orders to run the sentence concurrently in all three cases. The said petition was allowed by this Court on 12.06.2014 and the sentences imposed in C.C.Nos.4 to 6 of 1998 were ordered to run concurrently.

4. It is reported that the petitioner has already completed the sentence period and he was in jail for nearly 12 years. In the event, if the petitioner has not paid the fine amount imposed by the trial Court, the default sentence for non-payment of fine amount is only one year. The petitioner has also undergone the default sentence period. However, the impugned distress warrant was issued against the petitioner for non-payment of the fine amount.



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5. Considering the fact that the petitioner already underwent the sentence period of 12 years and also underwent the default sentence for non-payment of the fine amount, this Criminal Original Petition is allowed and the impugned Distress Warrant dated 06.09.2024 issued by the II Additional District Judge (CBI Cases), Madurai, is hereby set aside. Consequently, connected miscellaneous petition is closed.

03.03.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The II Additional District Judge
(CBI Cases),
Madurai.
2. The Inspector of Police,
CBI/SCB,
Chennai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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