

A. Chandran and Another Vs. State Rep. by The Deputy Superintendent of Police, Madurai

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Court : Chennai Madurai

Decided On : Jun-28-2016

Judge : The Honourable Dr. Justice P. Devadass

Appeal No. : Crl.O.P.(MD) No. 10421 of 2016 & Crl.M.P.(MD) No. 5169 of 2016

Appellant : A. Chandran and Another

Respondent : State Rep. by The Deputy Superintendent of Police, Madurai

Judgement :

(Prayer: Criminal Original Petition is filed, under Section 482 Cr.P.C., praying to set aside the order as made in ROC No.85 of 2016 dated 03.03.2016 in Special Case No.45 of 2011 passed by the Special Court for Trial of P.C. Act Cases, Madurai as devoid of merits in respect of the properties as stated as appealed before this Hon'ble Court vide C.A.No.23 of 2016 forthwith.)

1. Heard both sides.

2. In the Special Case in S.C.No.45 of 2011, the Special Judge convicted the petitioners. Besides sentencing them also directed confiscation of the proceeds of crime. As against that, Crl.A.(MD)No.23 of 2016 has been preferred before this Court. Admittedly, in the C.rlA.(MD)No.23 of 2016, an application to stay further proceedings pursuant to confiscation order has not been filed. Further, the present

petition has been filed under Section 482 Cr.P.C., consequent upon the order passed by the trial Court ordering attachment in pursuance of orders of confiscation.

3. The Criminal Appeal is admitted. The matter is subjudiced. If the appeal fails, the attachment etc. will arise. If the appeal succeeds the attachment etc., will go away.

4. So, till the appeal is disposed of any further action with reference to confiscation proceedings shall not be taken. However, there is no bar on the part of the Special Court to notify the concerned Registration authority not to permit transfer of the property involved and also necessary encumbrance shall be entered. It is sheer common sense that if the accused succeeds in the appeal, all may go away.

5. This Criminal Original Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

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