

Crl.M.P.No.14082 of 2016
in Criminal Appeal No.865 of 2016

S.BASKARAN, J.

The petitioner, who is the 1st accused in C.C.No.14 of 2007 on the file of 11th Additional Special Judge for CBI cases, Chennai, seeks suspension of sentence, imposed by judgment dated 20.12.2016, by granting him appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal and also seeks modification regarding imposition of fine amount.

2. After trial, petitioner/A-1 was convicted and sentenced as under:-

Under Sections 120(B) r/w. 420, 419, 467, 471 IPC and Section 13(2) r/w.13(1)(d) of the Prevention of Corruption Act, 1988, sentenced to undergo 5 years rigorous imprisonment for each offence and to pay a fine of Rs.25,00,000/- for each offence (totally Rs.50,00,000/-) in default to undergo 12 months simple imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of success in the appeal and there are triable issues in the main criminal appeal. He also submitted that the petitioner has no source of income at present to pay the fine amount imposed by the trial court and further the co-accused had already been granted appeal bail. In the circumstances, learned counsel prayed for grant

of bail and modification of the fine amount.

4. The learned Special Public Prosecutor appearing for the State submits that the trial court, after considering all the facts and circumstances of the case, has given a clear cut finding. He also submitted that the trial court has also given a finding that the petitioner herein/A-1 is responsible for sanctioning the loan amount and caused huge monetary loss of Rs.3 crores and 26 lakhs to the Bank.

5. I have considered the rival submissions, perused the judgment of the trial court and the evidence pointed out by either side.

6. Considering the facts and circumstances of the case, I find that some arguable points are involved in this criminal appeal, which are required to be examined in detail. Further, taking into consideration the fact that the appellant/accused is out of employment and is the only bread winner of the family and having no source of income at this point of time, it will be appropriate to modify the fine amount imposed by the trial for the present from Rs.50,00,000/- to Rs.10,00,000/-. Accordingly, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/A-1/appellant.

(b) Instead of the total fine amount of Rs.50,00,000/-, the petitioner is now directed to deposit Rs.10,00,000/- (Rupees Ten lakhs) in the trial court

at the time of executing the bail bond.

(c) Petitioner's/A-1, sentence of imprisonment alone is suspended on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of learned 11th Additional Special Judge for CBI cases, Chennai;

(d) Petitioner/A-1 shall report before the said court on the first working day of every month at 10.30 am., until further orders.

12.01.2017

nvsri
Note:Issue today.

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