

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice M.S. RAMESH

CRIMINAL MISCELLANEOUS PETITION No.4928 of 2017

IN CRL A.205/2017

T.HEMANTH ALVA

[APPELLANT / ACCUSED]

VS

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,

SPE: CBI: ACB: CHENNAI.

(R.C.41(A) 2000)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.205/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed on the petitioner/appellant herein passed by the learned XI Additional City Civil & Sessions Judge for CBI Cases (CBI cases relating to Banks and Financial Institutions), Chennai, judgment dated 24.03.2017 made in CC No.62 of 2003 and enlarge the petitioner/appellant on bail pending disposal of the above CRL A.205/2017 [IN CRL.MP.NO.4928 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.205/2017 on the file of the High Court and upon hearing the arguments of M/S.A.T.ANBU KUMAR, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

The petitioner/A7 who is the appellant, was convicted and sentenced in C.C.No.62 of 2003 dated 24.03.2017, by the learned XI Additional Special Judge for CBI cases, Chennai, as tabulated herein:

<i>Conviction u/s</i>	<i>Sentence imposed</i>	<i>Fine amount</i>
13[2] r/w 13[1] [d] of PC Act, 1988	R.I. for 3 years	Rs.20,000/- i/d to undergo 3 months S.I.
420 IPC	R.I. for 4 years	Rs.20,000/- i/d to undergo 3 months S.I.

<i>Conviction u/s</i>	<i>Sentence imposed</i>	<i>Fine amount</i>
419 IPC	R.I. for 3 years	Rs.20,000/- i/d to undergo 3 months S.I.
467 IPC	R.I. for 5 years	Rs.20,000/- i/d to undergo 6 months S.I.
471 IPC	R.I. for 4 years	Rs.20,000/- i/d to undergo 3 months S.I.

The above sentences were ordered by the trial Court to run concurrently.

2. Heard the submissions made by Mr.A.T.Anbu Kumar, learned counsel for the petitioner as well as Mr.K.Srinivasan, learned Special Public Prosecutor [CBI cases] appearing for the State.

3. Considering the grounds raised in the memorandum of grounds of criminal appeal and also considering the fact that there are arguable points involved in this appeal, this Court is of the considered view that the substantive sentence of imprisonment alone could be suspended pending appeal.

4. Accordingly, the substantive sentence of imprisonment alone is suspended, pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a likesum to the satisfaction of the learned XI Additional Special Judge for CBI cases, Chennai in a period of fifteen days from the date of receipt of a copy of this order and on further condition, that the petitioner shall report before the concerned Court, once in a week i.e., on every Monday at 10.30 a.m. until further orders.

-sd/-
10/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XI ADDITIONAL CITY CIVIL
& SESSIONS JUDGE FOR CBI CASES [CBI CASES
RELATING TO BANKS AND FINANCIAL
INSTITUTIONS], CHENNAI-104.

2 THE XI ADDITIONAL SPECIAL
JUDGE FOR CBI CASES, CHENNAI.

3 THE SPECIAL PUBLIC
PROSECUTOR FOR CBI CASES,
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON-1, CONVICTED PRISONERS,
PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
SPE: CBI: ACB:
CHENNAI.

+1C.C. to M/S.A.T.ANBU KUMAR Advocate on payment of necessary
charges SR NO.8712, 8713

Order

in
CRL MP.4928/2017

in
CRL A.205/2017

Date :10/05/2017

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MK:12/05/2017