

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN
CRIMINAL REVISION CASE No.62 of 2017
IN CRL A.8/2017

P.A.DAVID

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
CBI/ACB, CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence judgement passed in C.C.No.4 of 2007 dated 08.12.2016 on the file of the 11th Additional Special Court (Bank, Financial Institutions and CBI cases) Chennai, convicted and sentenced the petitioner/A3 for an offence under Section 120B, 420, 467, 468, 471 r/w 467 of IPC for 5 years Rigours Imprisonment for each Section together with fine of Rs.6,00,000 for each offense totaling 30 lakhs failing which 12 months simple imprisonment pending disposal of the CRL A.8/2017

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.MOHANAMURALI, 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, who is the 3rd accused in Special C.C.No.4 of 2007 on the file of XI Additional Special Judge for Banking Securities and Financial Institutions (BS&FC) CBI cases, Chennai, seeks suspension of sentence, against the sentence imposed, by judgment dated 8.12.2016, 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-3 was convicted and sentenced as under:-

Under Sections 120(B), 420, 467, 468, 471 r/w 467 IPC, sentenced to undergo 5 years rigorous imprisonment for each offence and to pay a fine of Rs.6,00,000/- for each offence (totally Rs.30,00,000/-) 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 is an innocent person and he was misused by the other accused and no means to pay the fine amount imposed by the trial court. In the circumstances, learned counsel prayed for grant of bail and modification of the fine amount, for the present.

4. Heard the learned Special Public Prosecutor appearing for the State.

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. Accordingly, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/A-3/appellant.

(b) Instead of the total fine amount of Rs.30,00,000/-, the petitioner is now directed to deposit Rs.15,00,000/- (Rupees Fifteen lakhs) in two equal installments.

(c) First installment of Rs.7,50,000/- shall be deposited in the trial court at the time of executing the bail bond.

(d) Second installment of Rs.7,50,000/- shall be deposited in the trial court within three months from the date of execution of bail bond.

(e) In default of depositing the second installment within the due date, CBI or the complainant can move this court for cancellation of the petitioner's appeal bail.

(f) Petitioner's/A-3, 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 XI Additional Special Judge for Banking Securities and Financial Institutions (BS&FC) CBI cases, Chennai;

(g) Petitioner/A-4 shall report before the said court on the first working day of every month at 10.30 am., until further orders.

-sd/-
19/01/2017

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 SPECIAL
JUDGE FOR BANKING AND FINANCIAL
INSTITUTIONS [BS & FC] CBI CASES, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE INSPECTOR OF POLICE
CBI/ACB, CHENNAI.

+1C.C. to M/S.K.MOHANAMURALI Advocate on payment of necessary charges SR.NO.1226

Order

in
CRL MP.62/2017

in
CRL A.8/2017

Date :19/01/2017

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MK:20/01/2017