

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 MISCELLANEOUS PETITION No.843 of 2017

IN CRL A.35/2017

KARTHIKA

[PETITIONER]

Vs

STATE BY,
INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
CBI/ACB, CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.35 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in C.C.No.14 of 2007 on the file of the Learned XI Additional Special Sessions Judge (CBI Cases Relating to Banks and Financial Institutions), Chennai Judgment dated 20.12.2016 and enlarge the petitioner on bail, pending disposal of the Crl.A.No.35 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.35 of 2017 on the file of the High Court and upon hearing the arguments of M/S.K.R.RAMESH 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, who is the 6th accused in Special C.C.No.14 of 2007 on the file of XI Additional Special Judge for CBI cases, Chennai, seeks suspension of sentence, against the sentence imposed, by judgment dated 20.12.2016, by granting her appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal.

2. After trial, petitioner/appellant/A6, was convicted and sentenced as under:-

Under Section 120-B, 420, 471 r/w 468 of IPC, sentenced to undergo 3 years Rigorous imprisonment and to pay a fine of Rs.11,00,000/- for each offence (totally Rs.33,00,000/-), in default to undergo 6 months simple imprisonment for each offence.

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 paid the fine amount of Rs.33,00,000/- before the trial court and the sentence of imprisonment has been suspended till 19.01.2017. In the circumstances, she may be granted bail.

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/appellant.

(b) Her sentence of imprisonment alone is suspended on condition that the petitioner 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 CBI cases, Chennai;

(c) Petitioner/appellant/A-6 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 XI ADDITIONAL SPECIAL JUDGE
(CBI CASES RELATING TO BANKS AND FINANCIAL
INSTITUTIONS), CHENNAI.

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

3 INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
CBI/ACB, CHENNAI.

4 XI ADDITIONAL SPECIAL JUDGE
FOR CBI CASES, CHENNAI.

C.C. to M/S.K.R.RAMESH KUMAR Advocate on payment of necessary
charges Sr.1232

Order

in
CRL MP.843/2017

in
CRL A.35/2017

Date :19/01/2017

From 7.2.2001 the Registry is issuing certified
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RVR 25/01/2017