



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) Nos.1479 to 1482 of 2017

and

CRL MP (MD) No.1708 of 2017

IN

CRL A (MD) Nos.381 to 384 and 389 of 2016

C.SANKARANARAYANAN

... APPELLANT / ACCUSED No.1

IN CRL MP (MD) Nos.1479 to 1482/17

IN CRL A (MD) Nos.381 to 384/16

1. R.GEETHA

W/O G.RADHAKRISHNAN,

PROPRIETRIX M/s. CHIVAS ENTERPRISES

2. G.RADHAKRISHNAN

... PETITIONERS/APPELLANTS/ ACCUSED Nos.2 & 3

IN CRL MP (MD) No.1708/17 IN CRL A (MD) No.386/16

Vs

THE STATE REPRESENTED BY

THE INSPECTOR OF POLICE,

SPE CBI ACB CHENNAI,

F.I.R. No.RC61 (A) /2004

... RESPONDENT / COMPLAINANT

in all the petitions

Prayer in CRL MP (MD) No.1479/2017 IN CRL A (MD) No.381/16:-

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to suspend the sentence imposed on the petitioner in C.C.No.4/2008 on the file of the II Additional District Judge for CBI Cases, Madurai by its judgment dated 07/10/2016 and release him on bail, pending disposal of the appeal

Prayer in CRL MP (MD) . 1480/ 2017 IN CRL A (MD) No.382/16:-:

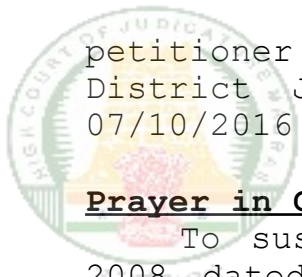
To pass an order to suspend the sentence imposed on the petitioner in C.C.No.5/2008 on the file of the II Additional District Judge for CBI Cases, Madurai by its judgment dated 07/10/2016 and release him on bail, pending disposal of the appeal

Prayer in CRL MP (MD) . 1481/ 2017 IN CRL A (MD) No.383/16:-:

To pass an order to suspend the sentence imposed on the petitioner in C.C.No.6/2008 on the file of the II Additional District Judge for CBI Cases, Madurai by its judgment dated 07/10/2016 and release him on bail, pending disposal of the appeal

Prayer in CRL MP (MD) . 1482/ 2017 IN CRL A (MD) No.384/16:-:

To pass an order to suspend the sentence imposed on the



petitioner in C.C.No.7/2008 on the file of the II Additional District Judge for CBI Cases, Madurai by its judgement dated 07/10/2016 and release him on bail, pending disposal of the appeal

Prayer in CRL MP(MD). 1708/ 2017 IN CRL A(MD)No.389/16:-:

To suspend the sentence of imprisonment alone in C.C.No.4 of 2008 dated 07.10.2016 on the file of the Learned II Additional District Judge for CBI Cases, Madurai and enlarge the Petitioners/Accused No.2 and 3 on bail, till the disposal of the Criminal Appeal

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr. S. PALANIVELAYUTHAM, Advocate for the petitioner IN CRL MP(MD) Nos.1479 to 1482/17 IN CRL A(MD)Nos.381 to 384/16 and of Mr.ISSAC MOHAMAD, Senior Counsel for Mr.R.ARAVINDAN, in CRL MP(MD)No.1708/17 IN CRL A (MD)No.389/16, and Mr.S.JAYAKUMAR, Special Public Prosecutor for CBI cases in all the petitions, on behalf of the Respondents, the court made the following order:-

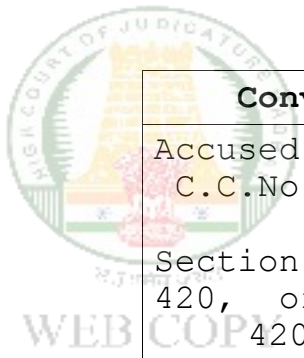
Orders Reserved on 05.04.2017

The Criminal Miscellaneous Petitions have been filed by the Petitioners / Appellants, praying to suspend the sentence of imprisonment imposed on them, by the learned II Additional District Judge for CBI Cases, Madurai, in C.C.Nos.4 to 7 of 2008 and C.C.No.4 of 2008, dated 07.10.2016 respectively in Crl.M.P.(MD) Nos.1479 to 1482 of 2017 and Crl.M.P.(MD)No.1708 of 2017 in Crl.A. (MD)No.389 of 2016 and enlarge the petitioners / appellants on bail, pending disposal of the above Criminal Appeals.

2. The petitioner in Crl.M.P.(MD)Nos.1479 to 1482 of 2017 in Crl.A.(MD)Nos.381 to 384 of 2016 is arrayed as A1 and the petitioners in Crl.M.P.(MD)No.1708 of 2017 are arrayed as A2 and A3.

3. After trial, the petitioners have been convicted and sentenced as under:

Conviction	Sentence
Accused No.1 in C.C.Nos.4 to 7 of 2008 Section 120(B) r/w 420, of IPC., 120-B r/w.477-A of IPC., 420 and 477 (A) IPC.,	Each 5 Years R.I. + each 5,000/-, i/d 3 Months S.I., each in C.C.Nos.4 to 7 of 2008 respectively.



Conviction	Sentence
Accused Nos.2&3 in C.C.No.4 of 2008 Section 120(B) r/w 420, of IPC., and 420 IPC.,	Each 5 Years R.I. + Each 5,000/-, i/d 3 Months S.I.,each

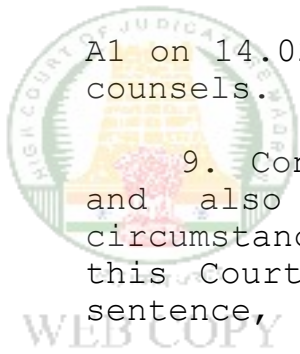
4. Fine amount imposed by the trial Court was paid by the petitioners. The petitioners are confined in Central Prison at Madurai from the date of Judgment ie., 07.10.2016 onwards. Aggrieved by the order of conviction, the accused preferred the present Criminal Appeal before this Court and is pending.

5.The present applications seeking suspension of sentence is the second application of the petitioners herein. The earlier applications in CrI.M.P(MD)No.10049 of 2016 in respect of A1 and CrI.M.P(MD)No.10066 of 2016 in respect of A2 and A3, seeking suspension of sentence were dismissed on merits, by this Court, as per order, dated 30.01.2017.

6. A1 was working as Branch Manager, Indian Bank, Sreirangam Branch, Trich during the period from March 2001 to January 2004. A2 and A3 are wife and husband respectively. A2 was the proprietrix of M/s. Chivas Enterprises and A2 and A3 are the partners of M/s.Chivas Trading Corporation, Trichy, in which A3 is the Managing Partner.

7. This Court in their earlier suspension of sentence Applications discussed in elaborately and dismissed that applications stating that the petitioners have no prima facie case in their favour and directed the Registry to call for the records from the Court concerned and list the Appeals for early disposal, since the accused are in custody.

8. On perusal of the affidavit filed by A1, there is no change in circumstances in respect of A1 in this case, after dismissal of his earlier application for suspension of sentence. Further, on perusal of the affidavit filed by A2 and A3 would reveal that A2 has produced some medical records, which are dated 08.05.2015, 11.07.2015 and 16.11.2015, prior to the dismissal of their earlier applications, dated 30.01.2017, seeking suspension of sentence. A3 has not chosen to mention about the medical grounds in his earlier application. There is no record to show that the second accused is undergoing any treatment for the alleged disease, while she is in prison. There is no report from the jail authorities that the second accused is undergoing medical treatment in the jail itself. The petitioners were convicted on 07.10.2016 and the appeals were preferred by A2 and A3 is on 24.02.2017 and A1 on 14.02.2017 and the earlier applications seeking suspension of sentence were recently dismissed on 30.01.2017 and the present applications were filed by



A1 on 14.02.2017 and by A2 and A3 on 24.02.2017 by way of change of counsels.

9. Considering the above facts and circumstances of the case and also considering the fact that there is no changing circumstances and also no valid reasons for suspension of sentence, this Court is not inclined to grant the relief of suspension of sentence, in the second applications.

10. In the result, the Criminal Miscellaneous Petitions stand dismissed. Registry is directed to post the Criminal Appeal for final hearing after receipt of trial Court records.

sd/-
25/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE II ADDITIONAL DISTRICT JUDGE,
FOR CBI CASES, MADURAI
 - 2 THE INSPECTOR OF POLICE,
SPE CBI ACB CHENNAI, RC61(A)/2004
 3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
 - 4 THE OFFICE INCHARGER,
SPECIAL PRISON FOR WOMEN, MADURAI
 - 5 THE SPECIAL PUBLIC PROSECUTOR, FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr. R.ARAVINDAN, Advocate SR.No.21226
- JAM/11.05.17/MSA/SAR 4/4P-8C

ORDER IN

CRL MP (MD) Nos.1479 to 1482 of 2017
and
CRL MP (MD) No.1708 of 2017
IN
CRL A (MD) Nos.381 to 384 and 389 of 2016
Date :25/04/2017