

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of August Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.10153 of 2018

IN CRL A.447/2018

1 P.NAGARAJAN [PETITIONERS]
2 A.SYED MOHAMMED
3 MALLIKA BANU

Vs

THE STATE, REPRESENTED BY [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
SPE, CBI, ACB, CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.447/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed against the Petitioners/Appellants by the Learned XII Additional Special Judge for CBI Cases at Chennai in his judgment dated 13.07.2018 in C.C.No. 40 of 2017, pending of the above CRL A.447/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.447/2018 on the file of the High Court and upon hearing the arguments of MR.B.KRISHNAMANI APPUKUTTI 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 petitioners/appellants who have been arrayed as A1, A2 and A7 in C.C.No.40 of 2017 on the file of the learned XII Additional Special Judge for CBI Cases, Chennai have been convicted and sentenced vide impugned judgment dated 13.07.2018, as follows:

Rank of the accused	Conviction under Section	Sentence Awarded
A1, A2 and A7	120(B) r/w 182, 420, 468 and 471 r/w 468 of IPC and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act 1988.	To undergo six months Rigorous imprisonment for each accused and pay a fine of Rs.5,000/- each in default to undergo Simple Imprisonment for another one month each.
	420 of IPC	To undergo one year Rigorous Imprisonment for each accused and pay a fine of Rs.5,000/- each in default to undergo Simple Imprisonment for another three months each.
	468 of IPC	To undergo one year Rigorous Imprisonment for each accused and pay a fine of Rs.5,000/- each in default to undergo Simple Imprisonment for another three months each.
	471 r/w 468 of IPC	To undergo one year Rigorous Imprisonment for each accused and pay a fine of Rs.5000/- each in default to undergo Simple Imprisonment for another three months each.
	182 of IPC	To undergo three months Rigorous Imprisonment for each accused and pay a fine of Rs.5,000/- each in default to undergo Simple Imprisonment for another one month each.

However, the period of sentence for each offences ordered to run concurrently and also granted set-off under Section 428 of Cr.P.C. The petitioners prayed for suspension of sentence.

2. Heard the learned counsel for the petitioners as well as the learned Special Public Prosecutor for CBI cases.

3. Considering the grounds raised in this appeal and the fact that the petitioners were enlarged on bail throughout the trial and that the sentence has been suspended till 13.08.2018, and that the period of sentence imposed is only one year, this Court is inclined to allow this petition for suspension of sentence (pending disposal of the appeal). The substantive sentence of imprisonment alone is suspended. The petitioners are directed to be enlarged on bail on

condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each, with two sureties, each for a like sum to the satisfaction of the learned XII Additional Special Judge for CBI Cases, Chennai and on further condition that the petitioners shall appear before the said Court on the first working day of every English Calendar Month at 10.30 a.m until further orders.

-sd/-
02/08/2018

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.

[*] Being mentioned as per order of this court dated 09/08/2018, order given by The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

TO

1 THE XII ADDITIONAL SPECIAL JUDGE
FOR CBICASES, CHENNAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
SPE, CBI, ACB, CHENNAI.

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

+2C.C. to M/S.B.KRISHNAMANI APPUKUTTI Advocate on payment of necessary charges in SR.NO. 14826 & 14877

Order

in
CRL MP.10153/2018

in
CRL A.447/2018

Date :02/08/2018

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MLT-02/08/2018

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