

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.1119 of 2018

IN CRL A.818/2017

FRANKLIN SAMUEL RAJ @
TONEY @ ANDREW MARSHALL,

[PETITIONER]

Vs

1 STATE REP. BY
INSPECTOR OF POLICE,
CBI/EOW/CHENNAI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.818/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence dated 20.12.2017 made in C.C.No.07 of 2013 by the learned XII Additional Special Sessions Judge for CBI Cases FAC XI Additional Special Sessions Judge for CBI Cases (Relating to Bank and Financial Institutions), Chennai - 1 pending disposal of the above Appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.818/2017 on the file of the High Court and upon hearing the arguments of M/S.A.G.RAJAKUMAR, 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:-

Seeking to suspend the sentence imposed on the petitioner by the learned XII Additional Special Sessions Judge for CBI cases FAC XI Additional Special Sessions Judge for CBI Cases (Relating to Bank and Financial Institutions) Chennai dated 20.12.2017, in C.C.No.7 of 2013 and enlarge the petitioner on bail pending disposal of criminal appeal, the petitioner is before this Court with this petition.

2. This Court while considering the petition for suspension of sentence pending disposal of the appeal dismissed the same on 03.01.2018, since the petitioner has not paid the fine amount of Rs.7,70,000/-. Now the present petition is filed seeking permission to pay the fine amount in three installments. Rs.2,70,000/- immediately on granting suspension of sentence and the balance Rs.5,00,000/- in two installments, one installment payable on or before 15.02.2018 and the other installment payable on or before

28.02.2018.

3. The learned Special Public Prosecutor for CBI cases submitted that if the petitioner is ready to deposit the fine amount as indicated in his petition he has no objection in granting suspension of sentence.

4. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for CBI Cases appearing for the respondent.

5. Considering the fact that the petitioner is in the jail for 40 days and has now come forward to pay the fine amount in three installments, the petition for suspension of sentence is allowed on the following conditions.

The petitioner shall pay a sum of Rs.2,70,000/- (Rupees Two lakhs Seventy Thousand Only) immediately and along with the fine receipt shall execute bond for Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned XII Additional Special Sessions Judge for CBI cases FAC XI Additional Special Sessions Judge for CBI cases (Relating to Bank and Financial Institutions) Chennai. Out of the balance fine amount of Rs.5,00,000/- (Rupees Five lakhs Only) the petitioner shall pay Rs.2,50,000/- (Rupees Two lakhs Fifty Thousand Only) on or before 15.02.2018 and the third installment of Rs.2,50,000/- (Rupees Two lakhs Fifty Thousand Only) on or before 28.02.2018. Further, the petitioner shall appear before the trial Court on every first Monday of every month at 10.30 a.m until further orders. In any breach in the above said condition the order of suspension of sentence shall stand canceled automatically.

-sd/-

01/02/2018

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.

TO

1 THE XII ADDITIONAL SPECIAL
SESSIONS JUDGE FOR CBI CASES

2 THE FAC XI ADDITIONAL SPECIAL
SESSIONS JUDGE FOR CBI CASES[RELATING TO
BANK AND FINANCIAL INSTITUTIONS] CHENNAI

3 THE SPECIAL PUBLIC
PROSECUTOR, FOR CBI CASES

4 STATE REP. BY
INSPECTOR OF POLICE,
CBI/EOW/CHENNAI

+2 C.C. to M/S.A.G.RAJAKUMAR Advocate on payment of necessary
charges SR.NO. 2264

Order

in
CRL MP.1119/2018

in
CRL A.818/2017

Date :01/02/2018

From 7.2.2001 the Registry is issuing certified
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RD 01/02/2018