

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12630 of 2018

IN CRL RC.386/2018

R.RAMACHANDRAN,

[PETITIONER]

vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
SPECIAL CRIMES BRANCH,
RAJAJI BHAWAN, BESANT NAGAR,
CHENNAI-600 090.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.386 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in the Judgement dated 29.01.2018 made in Crl.A.No.107 of 2017 on the file of the XV Additional Sessions Judge at Chennai confirming the sentence passed in C.C.No.3766 of 2011 dated 10.04.2017 on the file of the Additional Chief Metropolitan Magistrate, Egmore at Allikulam, Chennai till the disposal of the above CRL.RC.No.386/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.386 of 2018 on the file of the High Court and upon hearing the arguments of M/S.S.RAMACHANDRAN, 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 petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 10.04.2017 made in Special Case No.3766 of 2011, on the file of the learned Additional Chief Metropolitan Magistrate, Egmore at Allikulam, Chennai and later confirmed by the learned XV Additional Sessions Judge, Chennai in the judgment dated 29.01.2018 made in Crl.A.No.105 of 2017

2. The Petitioner herein is the 3rd accused in Special Case No. 3766 of 2011, on the file of the learned Additional Chief Metropolitan Magistrate, Egmore at Allikulam, Chennai. He was found guilty of the offences u/s. 120B r/w 420, 467, 468, 471 r/w 467 IPC and substantive offences u/s.420,467,468,471 r/w 467 IPC of Prevention of Corruption Act and he has been convicted and sentenced

as under:

S.No.	Conviction	Sentence
1.	Section 120-B r/w 420, 467, 468, 471 r/w 467 IPC.	6 months R.I and fine of Rs.2,000/- in default to undergo S.I for 3 weeks .
2.	Section 420 IPC.	3 years R.I and fine of Rs.1,000/- in default to undergo S.I for 3 weeks .
3.	Section 467 of IPC.	3 years R.I and fine of Rs.1,000/- in default to undergo S.I for 3 weeks .
4.	Section 468 IPC.	3 years R.I and fine of Rs.1,000/- in default to undergo S.I for 3 weeks.
5.	Section 471 r/w 467 IPC.	3 years R.I and fine of Rs.1,000/- in default to undergo S.I for 3 weeks .

Aggrieved against the conviction and confirmation on appeal, the petitioner has preferred this revision and also filed the petition for suspension of sentence.

3. Initially, at the time of admission, an opportunity had been granted to the petitioner/A-3 to put forth the merits of the Revision petition and the petitioner/A-3 had been exempted from surrendering before the trial Court till 06.04.2018. Thereafter, on 06.04.2018, the learned counsel for the petitioners had sought time for argument and hence the matter had been adjourned. However, the time granted for exemption to surrender had not been extended. Thereafter when the matter had been listed on 12.06.2018, the learned counsel for the revision petitioner/A-3 was not ready and thereby this Court finding that the counsel for the petitioners had not availed opportunity to point out illegality or perversity in the judgment had dismissed the petition for exemption from surrendering. Pursuant to the dismissal of the petition for exemption, the petitioner/A-3 had surrendered before the trial Court on 18.09.2018 and he has been incarcerated at Central Prison-I, Puzal, at Chennai. The present petition has been filed seeking suspension of sentence and bail.

4. Mr.S.Ramachandran, the learned counsel appearing for the petitioner would submit that the petitioners has got a good case on merits and would submit that though a finding had been rendered by the learned Judge, that the judgment passed by the trial Court as well as the appellate Court, prima facie does not indicate any perversity, the finding was in respect of considering the interim application for exemption from surrendering. He would further submit that the petitioner has consequent to the dismissal of the petition for exemption to surrender, had surrendered before the trial court and is in custody since 14.09.2018. He would submit that the petitioner in fact the person who has given the document a collateral security to the other accused who had availed the loan from the bank. He would also submit that the petitioner had given the original documents to the other accused, whereas for reasons the known, the trial court had convicted the present petitioner as if the petitioner

had produced the forged document. The learned counsel would submit that there is a specific finding with regard to the non-following of procedures while recovering/seizing the title deeds from the appropriate bank and that the appellate Court has also noted the infirmities with regard to the seizure of the document from the bank raising suspicion and would submit that when a suspicion had been raised, the courts below ought not to have convicted the petitioner. He would submit that the petitioner is aged about 66 years and would further submit that the other accused who are the borrowers have repaid the loan amount under OTS scheme and this court taking into consideration that the entire amount has been repaid to the bank and the bank has not suffered any loss had suspended the sentence of the other co-accused.

5. The learned Special Public Prosecutor would also submit that the sentence may be suspended for a limited period and the date may be fixed for final hearing of the revision.

6. In view of the above, the substantive sentence imprisonment alone imposed on the petitioner/A-3 by the learned Additional Chief Metropolitan Magistrate (CBI Cases), Egmore at Allikulam, Chennai dated 10.04.2017 in C.C.No.3766 of 2011 and confirmed by the Learned XV Additional Sessions Judge, Chennai in Crl.No.105 of 2017 dated 29.01.2018 is hereby suspended till 18.12.2018 and the petitioner/A-3 is ordered to be enlarged on bail on him executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate (CBI Cases), Egmore at Allikulam, Chennai and further condition, the petitioner/A-3 shall appear before the learned Additional Chief Metropolitan Magistrate (CBI Cases), Egmore at Allikulam, Chennai on the first working day of every English Calendar month at 10.30 a.m., until further orders till the disposal of the criminal revision. Post the revision for final disposal on 12.11.2018 along with Criminal Revision Case Nos.183, 386 and 249 of 2018.

-sd/-
सत्यमेव जयते
24/09/2018

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 ADDL. CHIEF METROPOLITAN
MAGISTRATE, EGMORE, AT ALLIKULAM, CHENNAI.

<https://mcservices.ecourts.gov.in/mcservices/>

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

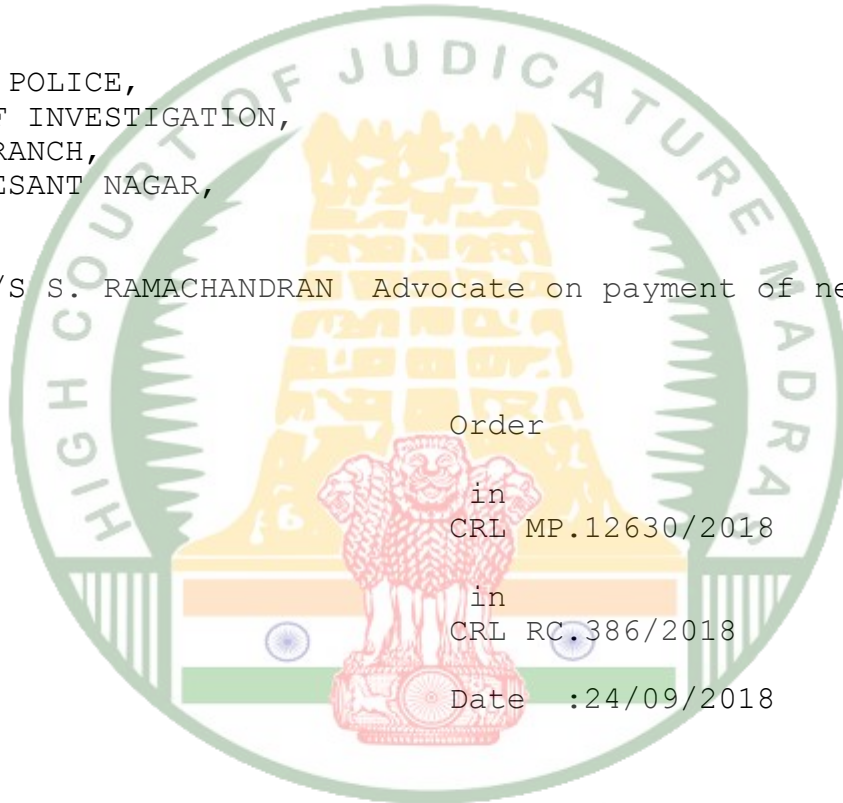
3 THE XV, ADDL. SESSIONS JUDGE,
CHENNAI.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON-I, PUZHAI, CHENNAI.

6 STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
SPECIAL CRIMES BRANCH,
RAJAJI BHAWAN, BESANT NAGAR,
CHENNAI-600 090.

+1 C.C. to M/S S. RAMACHANDRAN Advocate on payment of necessary
charges-Sr.17993



Order

in
CRL MP.12630/2018

in
CRL RC.386/2018

Date :24/09/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 25.09.2018

WEB COPY