

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of July Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.9046 of 2018

IN CRL A.390/2018

ASHOK MUTHANNA,

[PETITIONER]

Vs

UNION OF INDIA,

[RESPONDENT]

REP. BY INSPECTOR OF POLICE,

SPE:CBI/EOW/CHENNAI,

RAJAJI BHAVAN, BESEANT NAGAR,

CHENNAI- 600 090.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.390/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence against the Appellant passed by the XI Addl. City Civil and Sessions Judge, Chennai (CBI Cases) (related to bank and financial institutions) in C.C.No. 12 of 2003 dated 22.6.2018 and release and enlarge the petitioner/appellant on bail on such conditions as the Honble Court may deem fit and proper in the circumstances of the case and thus render justice.[CRL.MP.NO.9046/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.390/2018 on the file of the High Court and upon hearing the arguments of M/S.G.VIJAY ANAND 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/appellant arrayed as second accused in C.C.No.12 of 2003 along with the other accused was found guilty by the learned XI Additional City Civil and Sessions Judge, Chennai. He has been convicted for (i). the offence under Section 120 B r/w 420, 409 I.P.C and 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.10,00,000/-, in default to undergo one year Simple Imprisonment; (ii). convicted for offence under Section 420 of I.P.C and sentenced to undergo five years Rigorous Imprisonment together with fine of Rs.10,00,000/-, in default to undergo another one year Simple Imprisonment vide impugned judgment dated 22.06.2018. However, the period of imprisonment ordered to run concurrently and also

granted set-off under section 428 Cr.P.C.. The petitioner prays for suspension of sentence.

2 The learned counsel appearing for the petitioner/appellant submits that the petitioner has already paid the fine amount and further submits that the petitioner has been declared as insolvent. The loan alleged to have been availed by committing fraud, has been paid. There are sufficient grounds to set aside the judgment of the trial Court. Therefore, the petitioner seeks suspension of sentence pending disposal of the appeal.

3 Heard the learned counsel for the petitioner as well as the learned Special Public Prosecutor. Petition and counter perused.

4 The facts placed by the learned counsel for the petitioner are not disputed. The petitioner has already paid the fine amount and the co-accused have been released on bail pending disposal of the appeal. In view of the arguable points raised in this appeal, this Court is inclined to allow the petition.

5 In the result, the substantive sentence of imprisonment alone is suspended. The petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond with two sureties for a sum of Rs.5,00,000/- each (atleast one surety should be blood relative of the petitioner) to the satisfaction of the learned XI Additional City Civil and Sessions Judge, Chennai and on further condition that the petitioner shall appear before the said Court on the first Friday of every English Calendar Month at 10.30 a.m. until further orders.

-sd/-

31/07/2018

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 XI ADDL. CITY CIVIL AND
SESSIONS JUDGE, CHENNAI [CBI CASES]
RELATED TO BANK AND FINANCIAL INSTITUTIONS

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

3 UNION OF INDIA,
REP. BY INSPECTOR OF POLICE,
RAJAJI BHAVAN, BESEANT NAGAR,
CHENNAI- 600 090.
SPE: CBI/EOW/CHENNAI,

+1 C.C. to M/S.G.VIJAY ANAND Advocate on payment of necessary
charges SR.NO. 51629

Order

in
CRL MP.9046/2018

in
CRL A.390/2018

Date : 31/07/2018

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RD 31/07/2018