

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.9757 of 2018

IN CRL A.421/2018

G.KANNADASAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
SPE:CBI:ACB:CHENNAI,
(R.C.MA1/2006/A/0042)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.421/2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence and conviction imposed on the petitioner/appellant/accused-4 herein passed by the Learned Court of XII Additional Special Judge/Special Judge for CBI Cases Chennai-104, by the judgment dated 13.7.2018 made in C.C.No.40 of 2017 and enlarge the petitioner on bail pending disposal of the above CRL A.421/2018 [IN CRL.MP.NO.9757 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.421/2018 on the file of the High Court and upon hearing the arguments of M/S.K.SHANKER, 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 is arrayed as fourth accused in C.C.No.40 of 2017 on the file of the learned XII Additional Special Judge for CBI Cases, Chennai. He has been convicted and sentenced vide impugned judgment dated 13.07.2018, as follows:-

<i>Rank of the accused</i>	<i>Conviction under section</i>	<i>Sentence Awarded</i>
A4	U/S.120(b) r/w 182, 420, 468 and 471 r/w 468 of IPC and 13(2) r/w 13(1) (d) of PC.Act.	To undergo six months Rigorous Imprisonment and pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment.
	420 IPC	To undergo one year Rigorous Imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment.
	468 IPC	To undergo one year Rigorous Imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment.
	471 IPC r/w 168 IPC	To undergo one year Rigorous Imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment.
	182 IPC	To undergo three months Rigorous Imprisonment and pay a fine of Rs.500/- in default to undergo simple imprisonment for another one month
	U/S.13(2) r/w 13(1) (d) of P.C.Act	To undergo one year Rigorous Imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment.

However, the sentences 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 for the petitioner submits that the fine amount has been paid.

3 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4 In the light of the above facts, this Court is inclined to order the petition and the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of 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 Judge for CBI Cases, Chennai and on further condition that the petitioner 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/-
24/07/2018

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 XII ADDITIONAL SPECIAL
JUDGE FOR CBI CASES,
CHENNAI.

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

3 THE INSPECTOR OF POLICE,
SPE:CBI:ACB:CHENNAI.

+1C.C. to M/S.K.SHANKER Advocate on payment of necessary
charges SR NO.13757

Order

in
CRL MP.9757/2018

in
CRL A.421/2018

Date :24/07/2018

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MK:27/07/2018