

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of October Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13777 of 2018

IN CRL.A.NO.628 of 2018

C.KALIYAPERUMAL

[PETITIONER/APPELLANT]

Vs

STATE REP BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
CBI ACB CHENNAI.

RC NO.MA 1 2006 A-0060-CBI-ACB-CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To suspend the sentence in Spl.C.C.No.2 of 2008 on 25.09.2018 by the Hon'ble Special Judge Pudhucherry and enlarge me on bail till the disposal of the Crl.A.No.628/2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.RADHA PANDIAN, Advocate for the petitioner and of MR.K.SRIVIVASAN, Spl. Public Prosecutor for CBI-cases, on behalf of the Respondents the court made the following order:-

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 25.09.2018 made in Spl.C.C.No.2 of 2008 on the file of the learned Special Judge, Puducherry, pending disposal of the appeal.

2. The petitioner herein is the 4th accused in Spl.C.C.No.2 of 2008, on the file of the learned Special Judge, Puducherry. He has been found guilty of the offences u/s. 120-B r/w 420, 468, 471, and u/s. 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and the petitioner/A4 has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	U/s. 120-B of IPC	1 year R.I and pay a fine of Rs.1,000/- in default to undergo 3 months R.I.
2.	U/s. 468 of IPC	1 year R.I and pay a fine of Rs.1,000/- in default to undergo 3 months R.I.
3.	U/s. 471 of IPC	6 months R.I and pay a fine of Rs.1,000/- in default to undergo 1 month R.I.
4.	U/s. 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	1 year R.I and pay a fine of Rs.1,000/- in default to undergo 3 months R.I.

Aggrieved against the same, the petitioner has preferred this appeal along with the petition for suspension of sentence.

3. The case of the prosecution is that the petitioner, who worked as Head Constable in Traffic Police Station, along with other 4 accused entered into criminal conspiracy during 2003 to 2005 at Puducherry and Chennai to cheat M/s. Cholamandalam General Insurance Company, in the matter of preferring a false insurance claim of Rs.67 Lakhs, with regard to the road traffic accident took place on 10.11.2003. In the result, the petitioner was convicted and sentenced under Sections 120-B r/w 420, 468, 471 of IPC and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988.

4. The learned appearing for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. He would submit that the trial Court erred in believing the evidences of the witnesses. He further submit that it will take some considerable time, the case to be listed for final hearing and pray for suspension of sentence.

5. The learned Additional Public Prosecutor appearing for respondent opposed to grant suspension of sentence to the petitioner.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels on either side and that there are arguable points involved in the appeal and that it would take sometime for the final hearing of the appeal. I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, the substantive sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- [Rupees Fifty thousand only] each with two sureties each for a like sum to the satisfaction of the learned Special Judge, Puducherry, and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
12/10/2018

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 SPECIAL JUDGE,
PUDHUCHERRY.

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

3 THE INSPECTOR OF POLICE,
CBI ACB CHENNAI.

+1 C.C. to M/S.R.RADHA PANDIAN Advocate on payment of necessary charges SR.NO.19291

Order

in
CRL MP.13777/2018
in
CRL.A.NO.628/2018

Date :12/10/2018

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