

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.15749 of 2018

IN CRL A.748/2018

P.ANJANA

[APPELLANT / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CBI-ACB, CHENNAI,
RC.NO.22/A/2010.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.748/2018 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence passed by the learned XI Addl.Special Judge-Banking and Financial Institutions-For CBI Cases, Chennai-104, by his Judgement dated 23.10.2018, in C.C.No.5 of 2012, pending disposal of the CRL A.748/2018 [IN CRL.MP.NO.15749 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.748/2018 on the file of the High Court and upon hearing the arguments of M/S.RVG HARIHARABALAN, 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:-

Petitioner was convicted for offences under Sections 120-B r/w 409 of IPC, 420, 467, 468 and 471 of IPC and Section 13(2) r/w 13 (1)(d) of Prevention of Corruption Act 1988, sentenced to undergo one year R.I and to pay Rs.1000/- fine i/d to undergo S.I of three months, under Section 420 of IPC sentenced to undergo one year R.I and to pay Rs.1000/- fine i/d to undergo three months S.I, under Section 467 of IPC sentenced to undergo one year R.I and to pay Rs.1000/- fine i/d to undergo three months S.I, under Section 468 of IPC sentenced to undergo one year R.I and to pay Rs.1000/- fine i/d to undergo three months S.I, under Section 471 of IPC r/w 468 of IPC sentenced to undergo one year R.I and to pay Rs.1000/- fine i/d to undergo three months S.I, by the learned XI Additional Special Judge, Banking and Financial Institutions for CBI Cases, Chennai - 104, under judgment dated 23.10.2018 in C.C.No.5 of 2012. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner has paid the fine amount and sentence of the petitioner is suspended by the learned XI Additional Special Judge, Banking and Financial Institutions for CBI Cases, Chennai - 104, till 23.11.2018. Further the petitioner is not a public servant and being a temporary worker, acted only based upon the instructions from the bank manager and other higher officials. She facilitated the documents for getting loan and she has not been involved in any of the offences as stated by the prosecution. Further there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Special Public Prosecutor for CBI Cases on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, 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 in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned XI Additional Special Judge, Banking and Financial Institutions for CBI Cases, Chennai - 104, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
23/11/2018

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 ADDITIONAL SPECIAL
JUDGE-BANKING AND FINANCIAL INSTITUTIONS -
FOR CBI CASES, CHENNAI-104.

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

3 THE INSPECTOR OF POLICE,
CBI-ACB, CHENNAI.

+1C.C. to RVG HARIHARABALAN Advocate on payment of necessary
charges SR NO.22226

Order

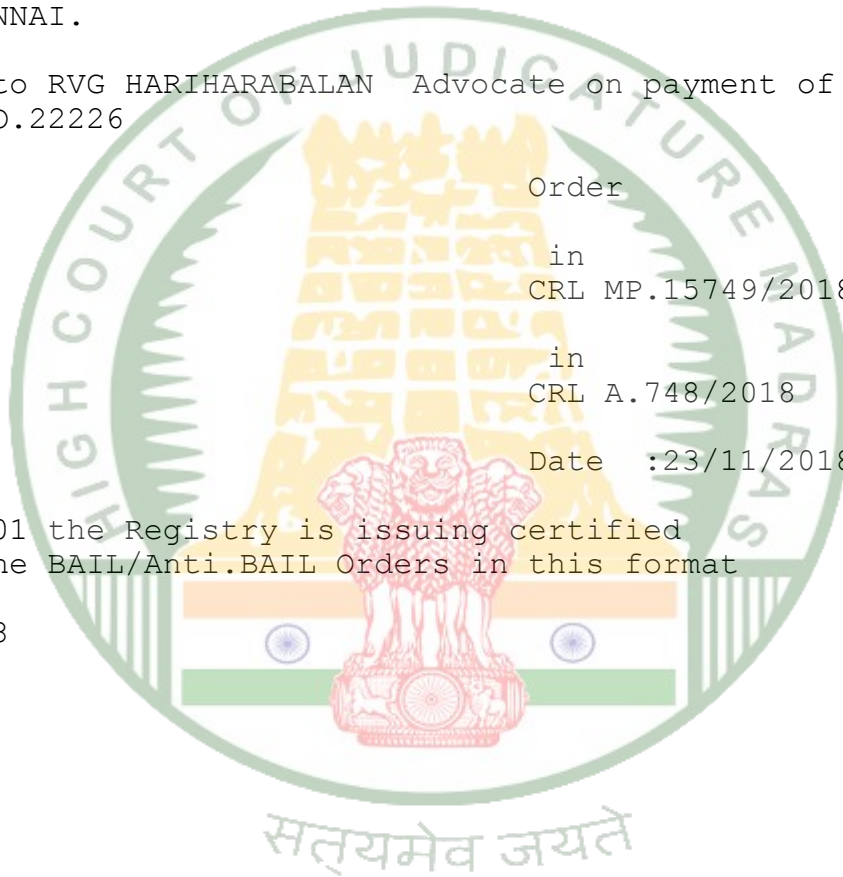
in
CRL MP.15749/2018

in
CRL A.748/2018

Date :23/11/2018

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

MK:28/11/2018



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