

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice KRISHNAN RAMASAMY

CRIMINAL MISCELLANEOUS PETITION No.17887 of 2018

IN CRL.A.NO.852 of 2018

1 M.ELUMALAI
2 V.PERUMAL
3 S.JAYABAL

[APPELLANTS/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI.

[COMPLAINANT/RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of imprisonment passed by the trial court, namely the Court of XI Additional Special Judge for CBI Cases and relating to Banks and Financial Institutions At Chennai in CC.No.9 of 2012 dated 23.10.2018 and release of the Petitioners/appellants on bail pending disposal of the Crl.A.No.852 of 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.T.SIVANATHAN, Advocate for the petitioners, and of MR.K.SRIVIVASAN, Spl. 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 23.10.2018 made in C.C.No.9 of 2012 on the file of the XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai, pending disposal of the appeal.

2. The petitioners herein are the accused in C.C.No.9 of 2012 on the file of the XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai. They have been found guilty of the offences u/s. 120-B r/w 409, 420, 467, 468, 471 IPC and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The petitioners have been convicted and sentenced as per the order dated 23.10.2018 in C.C.No.9 of 2012.

3. Aggrieved against the same, the petitioners have preferred this appeal along with the petition for suspension of sentence.

4. The learned counsel appearing for the petitioners would submit that there are several infirmities and inconsistencies found in the prosecution case. Further the petitioners have paid the fine amount and sentence of the petitioner is suspended till 23.11.2018. He would further submit that the trial Court erred in believing the evidences of the witnesses. Further he would submit that it will take some considerable time for the appeal to be listed for final hearing and pray for suspension of sentence.

5. The learned Government Advocate (Criminal Side) appearing for respondent opposed to grant suspension of sentence stating that the petitioners have not given cogent and convincing reason for suspension of sentence and that the trial Court has rightly convicted the petitioners.

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 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 petitioners by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioners are ordered to be enlarged on bail on executing a bond for Rs.15,000/- [Rupees Fifteen Thousand only] each with two sureties each for a like sum to the satisfaction of the XI Additional Special Judge for CBI Cases, Chennai, and on further condition that the petitioners 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/-

27/12/2018

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 FOR CBI CASES RELATING TO BANKS AND
FINANCIAL INSTITUTIONS, CHENNAI.

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

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

+1 C.C. to M/S.T.SIVANATHAN Advocate on payment of necessary
charges SR.NO.25018

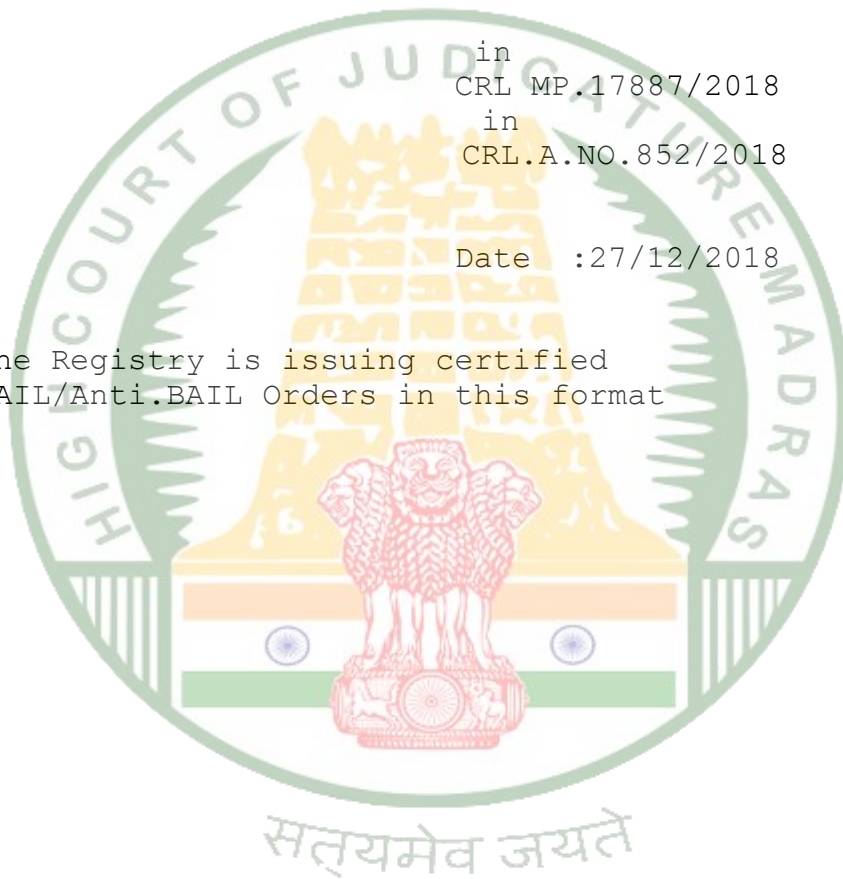
Order

in
CRL MP.17887/2018
in
CRL.A.NO.852/2018

Date :27/12/2018

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