

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.17900 of 2018

IN CRL.A.NO.854 OF 2018

R.VASANTHA

[PETITIONER]

Vs

STATE REP. BY

[RESPONDENT]

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

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.854 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed by the trial court, namely the court of XI Addl.Special Judge for CBI Cases relating to Banks and Financial Institutions at Chennai in C.C.No.11 of 2012 dt 23.10.2018 and release the Petitioner / appellant on bail pending disposal of the CRL.A.NO.854 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.854 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.T.SIVANANTHAN, Advocate for the petitioner and of SPECIAL 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.11 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 petitioner herein is the accused in C.C.No.11 of 2012 on the file of the XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai. She has 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 petitioner has been convicted and sentenced as per the order dated 23.10.2018 in C.C.No.11 of 2012.

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

4. The learned counsel appearing for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. Further the petitioner has paid the fine amount on 23.10.2018 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 petitioner has not given cogent and convincing reason for suspension of sentence and that the trial Court has rightly convicted 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 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.15,000/- [Rupees Fifteen Thousand only] 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 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/-
सत्यमेव जयते
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 INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, CHENNAI.

+1C.C. to M/S.T.SIVANANTHAN Advocate on payment of necessary
charges in SR.NO. 25020

Order

in

CRL MP.17900/2018

in

CRL.A.NO.854 OF 2018

Date :27/12/2018

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copies of the BAIL/Anti.BAIL Orders in this format

MLT-03/01/2019

सत्यमेव जयते

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