



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.1020 of 2018

IN

CRL A(MD) No.69 of 2018

T.PETER DHAS

... PETITIONER / APPELLANT/
ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SPE:CBI:ACB:CHENNAI.
RC 40(A) 2009.

... RESPONDENT / RESPONDENT /
COMPLAINANT

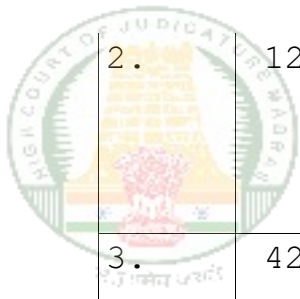
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge me on bail by suspending the sentence imposed by the II Additional District Court for CBI Cases, Madurai in C.C.No.3 of 2011 vide his Judgment dated 31.01.2018 pending the disposal of the main Criminal Appeal pending on the file of this Honourable Court and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ANAND, Advocate for the petitioner and of Mr.N.NAGENDRAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent, the court made the following order:-

Reserved on	Pronounced on
12.03.2018	23.03.2018

The petitioner faced prosecution in C.C.No.3 of 2011 before the Second Additional District Court for CBI Cases, Madurai, in which, he has been convicted and sentenced, by judgment dated 31.01.2018, as follows:

Sl.No	Conviction under Section	Sentence
1.	120-B r/w 420 IPC	to undergo seven years rigorous imprisonment and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand only), in default, to undergo six months simple imprisonment.



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2.	120-B r/w 409 IPC	to undergo ten years rigorous imprisonment and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand only), in default, to undergo six months simple imprisonment.
3.	420 IPC	to undergo seven years rigorous imprisonment and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand only), in default, to undergo six months simple imprisonment.
4.	409 IPC	to undergo ten years rigorous imprisonment and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand only), in default, to undergo six months simple imprisonment.

2. Challenging the conviction and sentence, the petitioner has filed CrI.A.(MD)No.69 of 2018 and has filed the present application for suspension of sentence and bail.

3. Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.N.Nagendran, learned Special Public Prosecutor for CBI Cases appearing for the respondent.

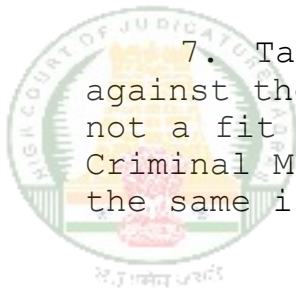
4. It is the case of the prosecution that Donald Edward Samuel [A-1] was the Branch Manager of Pandian Grama Bank, Sri Venkatesapuram Branch, Tuticorin, and that he had entered into a criminal conspiracy with the petitioner/A-2 (T.Peter Dhas) and others, to wit, sanctioned huge loans to Self- Help Groups through the petitioner, which, did not actually reach the beneficiaries.

5. The Trial Court has given the following finding in Paragraph No.52:

"From the evidence and documents of P.W.3 and other evidences, the Court is decided that major transactions of the loans were credited in the SB A/c No.7080 and SB A/c No.1. Further more, the loans amount were not directly paid to the SHGs as per the rules under Ex.P.3. The 2nd accused may be a Managing Director of Kanyakumari Women's Collective, and Neidhal Foundation. But the major financial assistance made by the bank in the name of SHGs but the loans were disbursed through the 2nd accused with Agreement of A-1."

The trial Court has further found that some of the beneficiaries had repaid the amount to the petitioner [A2], however, the petitioner had not made payment to the bank. The approximate loss sustained by the bank runs to around Rs.1,00,00,000/- [Rupees One Crore only].

6. Though Donald Edward Samuel [A-1] had died, yet, there are *prima facie* materials to show the involvement of the petitioner [A-2] in the offence.



7. Taking into consideration the gravity of the allegations against the petitioner [A-2], this Court is of the view that this is not a fit case to suspend the sentence and grant bail. Hence, this Criminal Miscellaneous Petition is devoid of merits and accordingly, the same is dismissed.

sd/-
23/03/2018

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
II ADDITIONAL DISTRICT COURT FOR CBI CASES,
MADURAI
- 2 THE INSPECTOR OF POLICE,
SPE:CBI:ACB:CHENNAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 4 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

sm/sml
JAM/28/03/2018/ CM-VR / SAR 1/ 3p-5c

ORDER
IN
CRL MP (MD) No.1020 of 2018
IN
CRL A (MD) No.69 of 2018
Date :23/03/2018