



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1553 of 2017

IN

CRL A (MD) No.58 of 2017

SIVA @ S. SURESH

... PETITIONER / APPELLANT /
ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
SPE/CBI/ACB/CHENNAI,
RCMAI 2003 A0019.

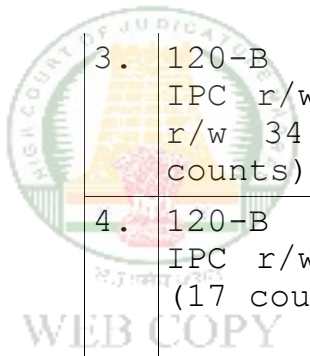
... RESPONDENT / RESPONDENT /
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned II Additional District Court for CBI Cases, Madurai in C.C.No.6/2005 dated 23/12/2016 and enlarge him on bail pending disposal of the Crl.A.

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:-

The petitioner has been convicted and sentenced in C.C.No.6 of 2005, by the learned II Additional District Judge for CBI Cases, Madurai as follows:

Sl No	Convicted under Sections	Sentence
1.	120-B r/w 420 IPC r/w 34 IPC (17 counts)	7 years R.I. for each count and to pay a fine of Rs.5,000/- for each count in default to undergo S.I. for 3 months each
2.	120-B r/w 467 IPC r/w 471 and 201 IPC r/w 34 IPC (17 counts)	30 months R.I. for each count and to pay a fine of Rs.1,000/- for each count in default to undergo S.I. for 1 month each



3.	120-B r/w 468 IPC r/w 471 IPC r/w 34 IPC (17 counts)	7 years R.I. for each count and to pay a fine of Rs.5,000/- for each count in default to undergo S.I. for 3 months each
4.	120-B r/w 467 IPC r/w 471 IPC (17 counts)	10 years R.I. for each count and to pay a fine of Rs.10,000/- for each count in default to undergo S.I. for 6 months each
5.	120-B r/w 116 r/w 467 r/w 471 IPC	5 years R.I. and to pay a fine of Rs.2,000/- in default to undergo S.I. for one month
6.	120-B IPC r/w 13 (2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988	7 years R.I. and to pay a fine of Rs.5,000/- in default to undergo S.I. for 3 months

Challenging the conviction and sentence, the present Criminal Appeal has been filed and the petitioner seeks suspension of sentence.

2. It is the case of the prosecution that Rajkafur @ Nazar @ Ahammed (A1) had printed cheque leaves of various nationalized banks and has drawn those cheques in his name for various accounts as if issued by the Account Holders, when in reality the said Account Holders were fictitious persons. In this way, Rs.1,98,81,000/- has been withdrawn by Rajkafur @ Nazar @ Ahammed.

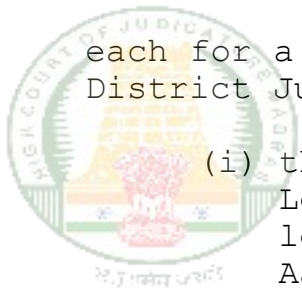
3. The allegations against this petitioner is that Rajkafur @ Nazar @ Ahammed had made some payments to this petitioner and that this petitioner had withdrawn the amount from the Bank and said to have handed over to Rajkafur @ Nazar @ Ahammed.

4. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount and the petitioner is under incarceration from 23.12.2016 for more than one year and 3 months.

5. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative,



each for a like sum to the satisfaction of the learned II Additional District Judge for CBI Cases, Madurai and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
13/03/2018

/ TRUE COPY /

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

TO

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

+1. C.C. to Mr.R.ANAND Advocate SR.No.4027

SJ
JAM/15/03/2018/ CM-VR / SAR 3/ 3P-6C

ORDER IN
CRL MP(MD) No.1553 of 2017
IN
CRL A(MD) No.58 of 2017
Date :13/03/2018