



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.29 of 2017
IN
CRL A(MD) No.2 of 2017

S. SUDALAIYANDI

... PETITIONER / APPELLANT /
ACCUSED No.4

Vs

THE INSPECTOR OF POLICE
SBE :CBI: ACB: CHENNAI,
RC MA1 2003 A0019.

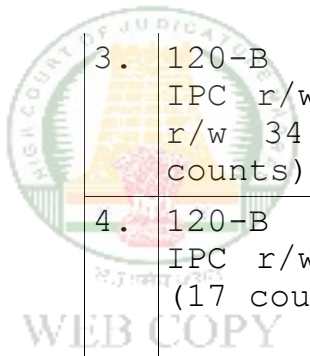
... RESPONDENT / RESPONDENT /
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to suspend the sentence imposed on the Petitioner by the Honourable II Additional District Court for CBI Cases Madurai Madurai district in C.C. NO. 6 of 2005 dated 23.12.2016 forthwith pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.PALANIVELAYUTHAM, 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 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 he was a sub-staff worked in State Bank of India, Vadiveeswaram Branch, Nagercoil and he had assisted Rajkafur @ Nazar @ Ahammed in clearance of the cheques.

4.It is seen that this Court has granted interim suspension of sentence and released the petitioner on interim bail by order dated 09.01.2017 and since then the interim order is being renewed periodically.

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 petitioner and 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 SPECIAL PUBLIC PROSECUTOR FOR CBI CASES
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- 3 THE INSPECTOR OF POLICE
SBE :CBI: ACB: CHENNAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.S.PALANIVELAYUTHAM Advocate SR.No.4059

SJ

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

ORDER
IN
CRL MP (MD) No.29 of 2017
IN
CRL A (MD) No.2 of 2017
Date :13/03/2018