



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

Friday, the Eighteenth day of May Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL MP(MD) No.3706 of 2018
IN CRL RC(MD) No.269 of 2018

S.P.ELANGO

... PETITIONER/ PETITIONER/
APPELLANT/ ACCUSED NO.4

Vs

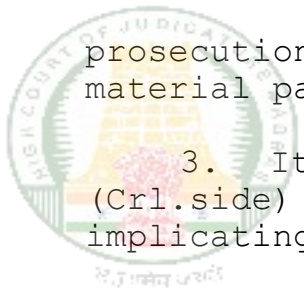
STATE REP.BY
THE INSPECTOR OF POLICE
SPL.CBI.ACB, CHENNAI.
(FIR NO.RC55(A)2006)

... RESPONDENT/ RESPONDENT/
RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed against the petitioner by the Learned II Additional District & Sessions Judge, Tiruchirappalli dated 28/02/2017 in C.A.No.10/2015 by confirming the judgement dated 30/12/2014 in C.C.No.9/2007 on the file of the Learned Chief Judicial Magistrate, Tiruchirappalli and release the petitioner on bail till the disposal of the above Crl.R.C

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.SENTHIL KUMAR, Advocate for the petitioner and of M/S.NAGENDRAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted by the learned Chief Judicial Magistrate, Tiruchirappalli in C.C.No.9 of 2007 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/- (Rupees Thousand Only) and in default, to undergo 2 months simple imprisonment for a offence under Section 120(b) r/w 419 of IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.2500/- (Rupees Two Thousand Five Hundred only), in default to undergo simple imprisonment for three months for an offence under section 471 of IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/- (Rupees Thousand Only) and in default to undergo simple imprisonment for two months. The learned II Additional District and Sessions Judge, in C.A.No.10 of 2015 has confirmed the conviction and sentence ordered by the trial Judge. Against which, the petitioner has filed the revision petition and in order to suspend the sentence, the present Miscellaneous Petition is filed.



prosecution case. It is contended that there are contradictions in material particulars.

3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record for implicating the petitioner herein.

4. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars between the evidence of prosecution witnesses and there are arguable points involved in this revision and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Trichirappalli and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending disposal of the revision.

sd/-
18/05/2018

/ TRUE COPY /

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

TO

1. THE II ADDITIONAL DISTRICT & SESSIONS JUDGE, TIRUCHIRAPPALLI.
2. THE CHIEF JUDICIAL MAGISTRATE, TRICHIRAPPALLI.
3. THE INSPECTOR OF POLICE, SPL.CBI.ACB, CHENNAI.
4. THE SPECIAL PUBLIC PROSECUTOR OF CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.T.SENTHIL KUMAR Advocate SR.No.8931

ORDER IN
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IN
CRL RC(MD) No.269 of 2018
Date :18/05/2018