



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.3815 of 2018
IN CRL A (MD) No.69 of 2018

T.PETER DHAS

... PETITIONER/ APPELLANT/
ACCUSED NO.2

Vs

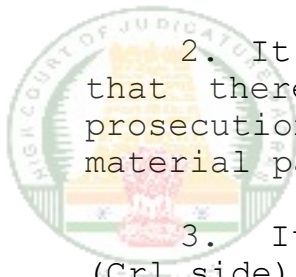
STATE REP.BY
THE INSEPCTOR OF POLICE
SPE:CBI:ACB: CHENNAI.
RC 40(A) 2009

... RESPONDENT/ RESPONDENT/ COMPLIANNT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentences of imprisonment alone imposed on the Petitioner/Appellant/Accused No.2 made in C.C.No.3 of 2011 on 31/01/2018 on the file of Learned Second Additional District Judge for CBI Cases, Madurai and enlarge the Petitioner herein on Bail pending the above appeal in Crl.A.(MD) No.69 of 2018 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 M/S.P.GOVINDARAJAN, Advocate for G.SARAVANAN, Advocate for the petitioner and of M/S.N.NAGENDRAN, Special Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted by the learned II Additional District Judge for CBI cases, Madurai in C.C.No.3 of 2011 and sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/-, in default to undergo six months rigorous imprisonment for an offence under Section 120-B r/w 420 of I.P.C., sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.50,000/-, in default to undergo six months simple imprisonment for an offence under Section 120-B r/w 409 of I.P.C., sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/-, in default to undergo six months simple imprisonment for an offence under Section 420 of I.P.C., and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.50,000/-, in default to undergo six months simple imprisonment for an offence under Section 409 of I.P.C., All the sentences were ordered to run concurrently. Against which, the petitioner has filed the criminal appeal and in order to suspend the sentence, the present Miscellaneous Petition is filed.



2. It is submitted by the learned counsel for the petitioner that there are several infirmities and inconsistencies in the 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 appeal and further the appeal 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 appeal 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 II Additional District Judge for CBI cases, Madurai 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 appeal.

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 JUDGE FOR CBI CASES,
MADURAI.
2. THE INSEPECTOR OF POLICE, SPE:CBI:ACB: CHENNAI.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.G.SARAVANAN Advocate SR.No.8881

ORDER IN
CRL MP(MD) No.3815 of 2018
IN CRL A(MD) No.69 of 2018
Date :18/05/2018