

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.7598 of 2019

in CRL.A.No.341 of 2019

SIDDANI VENKATASAMY @ VENKATASAMY RAO [PETITIONER/APPELLANT]

Vs

STATE REP.BY [RESPONDENT/COMPLAINANT]
INSPECTOR OF POLICE,
CBI,ACB, CHENNAI-6.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.341 of 2019 on the file of the High Court, the High Court will be pleased to suspend the order of sentence inflicted on the Appellant/accused in CC.No.10 of 2017 passed by the Honble VIII Additional Special Judge for CBI Cases, City Civil Court, Chennai on 23.05.2019 till the disposal of the criminal appeal and enlarge the appellant on bail pending disposal of this CRL.A.No.341 of 2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.341 of 2019 on the file of the High Court and upon hearing the arguments of M/S.I.SYED SIBGHATULLA, Advocate for the petitioner, and of MR.K.SRINIVASAN Special Public Prosecutor For CBI Cases on behalf of the Respondent, the court made the following order:-

The petition has been filed by the petitioner/appellant, to suspend the sentence of imprisonment imposed in the judgment dated 23.05.2019 made in Calendar Case No.10/2017 on the file of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai, pending disposal of the appeal.

2 The petitioner/appellant was found guilty of the offences u/s.120B read with 420, 468, 471; 468 read with 471, 420 IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	468 IPC	1 year R.I and fine of Rs.1000/- in default to undergo S.I for 3 months.
2.	468 r/w 471 IPC	1 year R.I and fine of Rs.1000/- in default to undergo S.I for 3 months.
3.	420 IPC	1 year R.I and fine of Rs.1000/- in default to undergo S.I for 3 months.
4.	120B read with 420, 468, 471 IPC	1 year R.I and fine of Rs.1000/- in default to undergo S.I for 3 months.

Aggrieved against the same, the petitioner has preferred this appeal.

3 The case of the prosecution is that the petitioner/appellant/A-5, along with the other accused, viz., A-1 to A-5, entered into criminal conspiracy, prepared fabricated documents in respect of the goods loaded in the Wagon of the train from Sitarampur to Arakonam as if those goods were loaded from Bokaro to Royapuram and sold the goods worth about Rs.5,57,312.82p. to Rs.2,30,000/-, to A-6 to A-8 and caused loss to the Railways and thereby, fraudulently and dishonestly cheated Indian Railways and committed the said offences.

4 The learned counsel for the petitioner/appellant would submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid and the trial Court has also suspended the sentence of imprisonment till 21.06.2019.

5 The learned Special Public Prosecutor [CBI] has raised objections for suspending the sentence.

6 Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone is suspended.

7 Hence, the sentences of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.50,000/- [Rupees Fifty thousand only] with two sureties each for a like sum to the satisfaction of the learned VIII Additional Special Judge for CBI

Cases, City Civil Court, Chennai and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., pending appeal.

-sd/-
18/06/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE VIII ADDITIONAL SPECIAL JUDGE FOR CBI CASES,
CITY CIVIL COURT,
CHENNAI

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES,
HIGH COURT, MADRAS

3 THE INSPECTOR OF POLICE,
CBI, ACB, CHENNAI-6.

+1 C.C. to M/S.I.SYED SIBGHATULLA Advocate on payment of
necessary charges SR.NO.11862

Order

in
CRL MP.No.7598/2019

in
CRL.A.No.341/2019

Date :18/06/2019

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