

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.17121 of 2019

IN CRL A.800/2019

JAGMOHAN MEENA

[PETITIONER]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI.
(RC.NO.18(A)/2010.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.800/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment alone imposed on the Petitioner/Appellant/Accused No.1 herein by the learned XIV Additional Special Judge for CBI Cases at Chennai, Chennai District on 14.11.2019 in CC No.39/2010 and enlarge him on bail pending the disposal of the above appeal.[CRL.MP.NO.17121/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.800/2019 on the file of the High Court and upon hearing the arguments of MR.R.RAJA RATHINAM FOR M/S.G.SARAVANAN, 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 petitioner/ appellant was convicted for offences under Sections 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for Four years and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand only) in default to undergo Rigorous Imprisonment for One year and under Sections 467, 468 r/w 471 of the Indian Penal Code and sentenced to undergo Rigorous Imprisonment for Three years each and to pay a fine of Rs.5,000/- each (Rupees Five Thousand only) in default to undergo Rigorous Imprisonment for Six months each (Total fine amount imposed on the appellant/ accused No.1 herein is Rs.60,000/-) and all the sentences of imprisonment imposed on the appellant herein are ordered to be run concurrently. Hence, the petitioner/ appellant seeks suspension of sentence.

2.Heard Both Sides. The counter has been filed on behalf of the prosecution.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner would submit that immediately after the sentence of acquittal, the petitioner had surrendered before the Trial Court and the petitioner is in prison till now. Considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence. He would further submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

4.Having regard to the fact 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 and also considering the period of incarceration, I am of the considered opinion that the appellant is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant shall execute 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 XIV Additional Special Court for CBI Cases at Chennai and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

-sd/-

05/12/2019

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 XIV ADDITIONAL SPECIAL COURT
FOR CBI CASES AT CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

4 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI.

(RC.NO.18(A)/2010.

<https://hcservices.ecourts.gov.in/hcservices/>

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+1 C.C. to M/S.G.SARAVANAN Advocate on payment of necessary charges SR.NO.25114

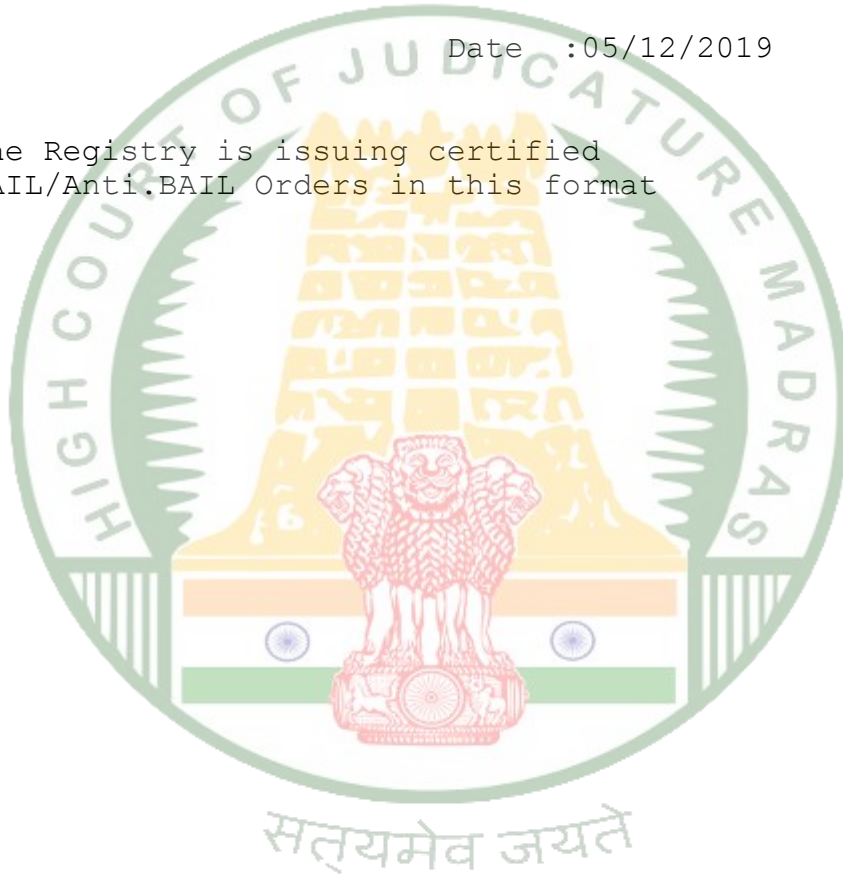
Order

in
CRL MP.17121/2019

in
CRL A.800/2019

Date :05/12/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 04/12/2019



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