

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.17163 of 2019

IN CRL A.806/2019

1 S.SATHYAMOORTHY

[PETITIONERS]

2 V.B.RAVI

3 S.VAJRAVEL

Vs

UNION OF INDIA REP.BY
INSPECTOR OF POLICE,
SPE,CBI,ACB, CHENNAI,RC
MA1 2002-A-0020,
SPE,CBI,ACB,CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.806/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the Judgment dated 31.10.2019 made in CC.No.33 of 2004 on the file learned II Additional District Judge (CBI Cases), Coimbatore and enlarge the petitioners on bail pending disposal of the above criminal appeal.[CRL.MP.NO.17163/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.806/2019 on the file of the High Court and upon hearing the arguments of M/S.N.PONRAJ, 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:-

This petition is filed seeking to suspend the sentence imposed on the petitioners, by judgement and order dated 31.10.2019 passed in C.C.No.33 of 2004 on the file of the II Additional District Court (CBI cases), Coimbatore.

2. The petitioners, who are arrayed as A10 to 12 in C.C.No.33 of 2004 before the II Additional District Court (CBI cases), Coimbatore, were found guilty for the offences punishable u/s.120B, r/w 420 IPC, 467 r/w 471 of IPC Section, 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988, Section 420 of IPC (20 counts) against A10, Section 420 IPC (7 counts) against A11 and Section 420 of IPC (12 counts) against A12 and sentenced to undergo various terms of imprisonment, the maximum being two years of rigorous imprisonment.

3. Challenging the same, the petitioners have preferred the above appeal and suspension of sentence and bail.

4. The learned counsel for the petitioners would submit that there are several infirmities and inconsistencies found in the prosecution case. He further submitted that there are contradictions in the evidence of the prosecution witnesses. It is his further submission that the petitioners have paid the fine amount on 31.10.2019 and the Lower Court has suspended the sentence of the petitioners till 29.11.2019. He further submitted that this court has already granted suspension of sentences to A1 to A7.

5. The learned Special Public Prosecutor (for CBI cases) appearing for the respondents submitted that the trial Court, on consideration of the gravity of the offence, had reached its conclusion holding that the petitioners were guilty of the aforesaid offences. He further submitted that there are enough materials by way of oral and documentary to show that the petitioners had acted in connivance with each other and committed the offence. Hence he opposed to grant bail application of the petitioners. He would further submit that the sentence imposed on the accused have been suspended by the trial court till 29.11.2019.

6. Heard the learned counsel for the petitioners as well as the learned Special Public Prosecutor (CBI Cases) appearing for the respondent.

7. In view of the fact, that there are several infirmities in the prosecution case and that there are arguable points involved in the appeal as contended by the learned counsel for petitioners 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 petitioners herein are entitled to the relief of suspension of sentence.

8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned II Additional District Judge (CBI Cases), Coimbatore and on further condition that the petitioners shall appear before the concerned Court, on the first working day of every month at 10.30 a.m., pending Appeal.

-sd/-

21/11/2019

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 II ADDITIONAL DISTRICT
JUDGE[CBI CASES]COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 UNION OF INDIA REP.BY
INSPECTOR OF POLICE,
SPE,CBI,ACB, CHENNAI,
RC MA1 2002-A-0020,
SPE,CBI,ACB,CHENNAI.

+3 C.C. to M/S.N.PONRAJ Advocate on payment of necessary
charges SR.NO. 24031

Order

in
CRL MP.17163/2019

in
CRL A.806/2019

Date :21/11/2019

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RD 27/11/2019

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