

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.18477 of 2019

IN CRL A.869/2019

K.SANKARA KUMAR

[PETITIONER / APPELLANT]

vs

STATE REP. BY

[RESPONDENT / RESPONDENT]

INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
CBI/ACB/CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.869/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in C.C.No.6/2006 dated 28.11.2019 on the file of 2nd Additional District Court for CBI Cases, Coimbatore pending disposal of the Criminal Appeal No.869/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.869/2019 on the file of the High Court and upon hearing the arguments of M/S.S.RAMACHANDRAN, 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 2 years and also to pay a fine of Rs.1,00,000/- (Rupees One Lakh only), in default to undergo Simple Imprisonment for 6 months. Hence, the petitioner/appellant seeks suspension of sentence.

2.Heard the learned counsel appearing for the petitioner and the learned Special Public Prosecutor for CBI Cases.

3.The learned counsel appearing for the petitioner would submit that though the trial court has suspended the sentence till 27.12.2019, the petitioner surrendered before the trial court on 16.12.2019 and the petitioner is in prison for the past 3 days. He would also submit that the petitioner is aged about 69 years and he is suffering from age old ailments. Hence, he prays 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 and the age of the petitioner, 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 II Additional District Court for CBI Cases, Coimbatore 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/-

18/12/2019

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 II ADDITIONAL DISTRICT COURT
FOR CBI CASES, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

4 THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
CBI/ACB/CHENNAI.

+1 C.C. to M/S. S.RAMACHANDRAN Advocate on payment of necessary charges SR.No.26058

Order

in
CRL MP.18477/2019

in
CRL A.869/2019

Date :18/12/2019