



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1398 of 2019
IN
CRL A(MD) No.57 of 2019

JALA JAWAHAR

... PETITIONER/APPELLANT/
ACCUSED - 3

Vs

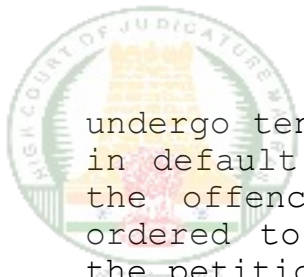
STATE THROUGH
THE INSPECTOR OF POLICE
SPE: CBI: ACB: CHENNAI
IN RC 19/A/2008

... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and conviction passed in C.C.NO.3 of 2009 dated 24/12/2018 by the Honourable II Additional District Judge for CBI Cases, Madurai and grant bail till disposal of the above appeal 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 Mr.K.K.KANNAN, Advocate for the petitioner and of Mr.R.SUDEV KUMAR, Special Public Prosecutor for CBI cases on behalf of the Respondent, while admitting the CRL.A, the court made the following order:-

The petitioner was convicted for the offences under Sections 120 (b) r/w. 420, 467, 468, 471 of IPC and Section 13(2) r/w 13(1) of the Prevention of Corruption Act, 1988, 420, 467, 468 and 471 I.P.C., by judgment dated 31.10.2018 in C.C.No.3 of 2009 on the file of the learned II Additional District Judge for CBI cases, Madurai. He is sentenced to undergo seven years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for the offence under Sections 120 (b) r/w. 420, 467, 468, 471 of IPC and Section 13(2) r/w 13(1) of the Prevention of Corruption Act, 1988. The petitioner is sentenced to undergo seven years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for each of the offences under Sections 420 and 468 IPC. The petitioner is also sentenced to



undergo ten years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment for each of the offences under Sections 467 and 471 IPC. The Trial Court ordered to run the sentence of imprisonment concurrently. Hence, the petitioner seeks suspension of sentence.

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2.The learned counsel appearing for the petitioner would submit that the petitioner is survival in throat cancer and he is taking continuous treatment in Government Hospital and also he is only taking liquid food. There is a further treatment in private Hospital. Hence, he seeks for suspension of sentence.

3.The learned Special Public Prosecutor appearing for the respondent, on instructions, submitted that the petitioner is taking continuous treatment and also taking only liquid food. The trial Court convicted the petitioner for a period of 10 years. However, in the event of granting the benefit of bail to the petitioner, the same is not applicable to the other accused persons.

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 petitioner is entitled for the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner 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 Judge for CBI cases, Madurai, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-
25/02/2019

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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 INSPECTOR OF POLICE
SPE. CBI. ACP. CHENNAI.



3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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COPY TO:

THE SECTION OFFICER, CRIMINAL SECTION,\
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.K.K.KANNAN Advocate SR.No.3683

ORDER

IN

CRL MP (MD) No.1398 of 2019

IN

CRL A (MD) No.57 of 2019

Date : 25/02/2019

TK/PN/SAR-1/25.02.2019/3P/7C