



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1735 of 2019
IN
CRL A(MD) No.56 of 2019

K.P.KUMAR @ K.P.VEER KUMAR

... APPELLANT/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SPE/ACB/CBI, CHENNAI.
(IN R.C.NO.19/A/2008)

... 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 imposed against the appellant in C.C.NO.03/2009 on the file of the Honourable II Additional Special Judge for CBI Cases, Madurai dated 24/12/2018 and release the appellant on bail till the disposal of the appeal.

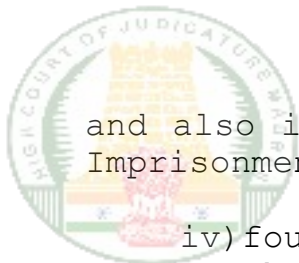
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mr.R.SUDEV KUMAR, Special Public Prosecutor for CBI cases on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The petitioner was convicted by the Judgment dated 24.12.2018 by the II Additional Special Judge for CBI Cases, Madurai in C.C.No.3 of 2009 in the following manner.

i)found guilty for the offences under Sections 120-B r/w 420, 467, 468, 471 IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo Seven Years Rigorous Imprisonment and imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for Three months;

ii)found guilty for the offence under section 420 IPC and sentenced to undergo Rigorous Imprisonment for a period of Seven Years and also imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for Three months;

iii)found guilty for the offence under section 467 IPC and sentenced to undergo Rigorous Imprisonment for a period of Ten Years



and also imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for Three months;

iv) found guilty for the offence under section 468 IPC and sentenced to undergo Rigorous Imprisonment for a period of Seven Years and also imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for Three months

v) found guilty for the offence under section 471 IPC and sentenced to undergo Rigorous Imprisonment for a period of Ten Years and also imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for Three months and

vi) found guilty for the offence under Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act and sentenced to undergo Rigorous Imprisonment for a period of Seven Years and also imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for Three months; and the sentence of imprisonment imposed on him shall ordered to be run concurrently. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel appearing for the petitioner would submit that the petitioner is now confined in Central Prison, Madurai.

3. Heard the submissions of the learned Special Public Prosecutor for CBI Cases and he also admits that the petitioner is in Central prison, Madurai.

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.

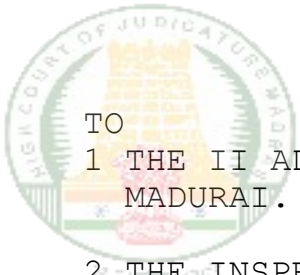
5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned II Additional Special 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/-

04/03/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE II ADDITIONAL SPECIAL JUDGE FOR CBI CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
SPE/ACB/CBI, CHENNAI.

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

+1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.4230

ORDER

IN

CRL MP (MD) No.1735 of 2019

IN

CRL A (MD) No.56 of 2019

Date :04/03/2019

MS/JC/SAR-4/04.03.2019/3P.6C