



WEB COPY

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

Monday, the Twenty Ninth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.4339 of 2019

IN

CRL A(MD) No.208 of 2019

S.ALWAR SIVA SUBRAMANIAM

... PETITIONER/ APPELLANT/
A8 ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI-CORRUPTION BRANCH, SHASTRI BHAVAN,
CHENNAI-600 006,
RC/MA1/A0031

... RESPONDENT/ RESPONDENT

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 grant bail to the Appellant/Accused No.8 against the Judgment dated 05/04/2019 in C.C.No.24/2012 on the file of II Additional District Court for CBI Cases, Madurai in RC/MA1/2011/A0031 on the file of the Respondent Police pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.S.JOHNNY BASHA, Advocate for the petitioner and of Mr.N.NAGENDRAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent, the court made the following order:-

The petitioner was convicted by the Judgment dated 05.04.2019 by the II Additional District Court for CBI Cases, Madurai in C.C.No.24 of 2012 in the following manner.

Charges Proved under Sections	Punishment (Imprisonment and Fine)
120-B r/w 420 IPC Section 13 (1) (c) of Prevention of Corruption Act 1988, 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988.	Rigorous Imprisonment for 3 years and to pay a fine of Rs.25,000/- in default to undergo simple Imprisonment for six months;
420 IPC	Rigorous Imprisonment for 3 years and to pay a fine of Rs.25,000/- in default to undergo simple Imprisonment for six months;
Total Fine	Rs.50,000/-



The Sentence of imprisonment should run concurrently awarded to the appellant/A8.

2.The learned counsel appearing for the petitioner would submit that the petitioner is not a public servant. He would further submit that the petitioner has paid the entire loan amount and also the penalty amount. Hence, he prayed for suspension of sentence.

3.The learned Special Public Prosecutor for CBI Cases did not dispute the above said submission made by the learned counsel for the petitioner.

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 II Additional District Court for CBI Cases, Madurai, and on further conditions.

(i) that the petitioner shall appear before the said Court as and when required, pending disposal of the appeal.

sd/-
29/04/2019

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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, CENTRAL BUREAU OF INVESTIGATION, ANTI-CORRUPTION BRANCH, SHASTRI BHAVAN, CHENNAI-600 006.
3. THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.M.S.JOHHNNY BASHA Advocate SR.No.7712

ORDER IN
CRL MP(MD) No.4339 of 2019
IN
CRL A(MD) No.208 of 2019
Date :29/04/2019