

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4544 of 2019

IN

CRL A(MD) No.224 of 2019

KALYANASUNDARAM

... PETITIONER/ APPELLANT/
ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CBI/ACB, CHENNAI,
RC/MA1/2011/A0031

... 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 on the petitioner/ appellant/ accused No.4 on C.C.No.24/20112 dated 05.04.2019 on the file of the IIInd Additional District Court for CBI Cases, Madurai and enlarge him 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.VENKATESWARAN, Advocate for the petitioner and of MR.N.NAGENDRAN, Special Public Prosecutor for CBI Cases, While admitting the CRL A., the court made the following order:-

The present appeal is arising out of the conviction and sentence imposed against this petitioner in C.C.No.24 of 2012 dated 05.04.2019 by the learned II Additional District Court for CBI Cases, Madurai, wherein the petitioner was found guilty for the offences punishable under Sections 120 (B) r/w. 420, 468, 471 of IPC and Section 13(2) r/w. Section 13(1)(C) and (d) of PC Act, 1988 and

<https://hcservices.ecourts.gov.in/hcservices/> have been convicted and sentenced as detailed below :

Penal Provision under which convicted	Sentence
Section 120 (B) r/w. 468 of IPC, 471 of IPC, 420 of IPC, 13(2) r/w. 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 7 years and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for one year
Section 420 of IPC	Rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for one year
Section 468 of IPC	Rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for one year
Section 471 of IPC	Rigorous imprisonment for 7 years and to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for one year

2.The learned counsel appearing for the petitioner would submit that during the trial, one of the accused died and out of the 12 accused, four accused have been acquitted and eight accused have been convicted. He would further submit that the loss caused to the Bank has also been settled by the accused during the trial. This fact has also been admitted by the learned Special Government Advocate (Crl Side). Further except the accused nos.1 and 4, all other accused filed separate criminal appeal before this Court and their sentence also has been suspended by this Court. The petitioner has also produced copy of the suspension of the sentence order passed by this Court in Crl.M.P.(MD)No.4177 of 2019 in Crl.A.(MD) No.190 of 2019.

3.Since the sentence of other co-accused has been suspended by this Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4.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 for a like sum to the satisfaction of the learned II Additional District Court for CBI Cases, Madurai, and on further condition that

(i)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii)the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application

under Section 317 Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
16/05/2019

/ TRUE COPY /

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,
CBI/ACB, CHENNAI.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.R.VENKATESWARAN Advocate SR.No.8600

ORDER
IN
CRL MP(MD) No.4544 of 2019
IN
CRL A(MD) No.224 of 2019
Date :16/05/2019

JM PK/JC/SAR 1/17.05.2019/3P/6C

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