



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of January Two Thousand Twenty

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.45 & 46 of 2020

IN CRL A.3/2020

1 K.M.NOORJAHAN [PETITIONER IN CRL.MP.NO.45/2020]

2 ABDUL GAFOOR @ C.A.GAFOOR [PETITIONER IN CRL.MP.NO.46/2020]

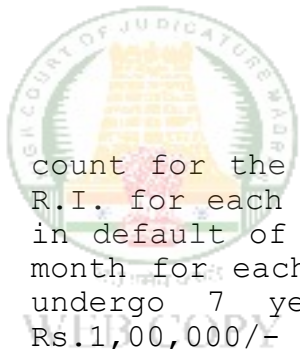
Vs

THE STATE REP BY [RESPONDENT
THE INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
CBI/ACB/CHENNAI,
SAHSTRI BHAVAN,
CHENNAI-600 006.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.3/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the XI Additional Principal Special Judge for CBI Cases, Chennai under the Judgment dated 30.12.2019 passed in CC No.3/2005 and enlarge the petitioner on bail pending disposal of the above Crl.A.NO.3/2020.[CRL.MP.NO.45 & 46/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.3 of 2020 on the file of the High Court and upon hearing the arguments of MR.N.RAMAKRISHNAN FOR M/S.WARAON AND SAIRAMS 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:-

Appellants are convicted for an offence under Section 120(B) r/w. 420, 467, 467 r/w. 471, 468, 468 r/w. 471 of IPC and Sections 13(2) r/w. 13(1) (d) Prevention of Corruption Act, 1988 and under Section 420(4 Counts), Section 467 (4 counts), Section 467 r/w 471 (4 Counts), Section 468 (4 Counts), Section 468 r/w 471 (4 Counts) and each of them were sentenced to undergo 7 years R.I and to pay a fine of Rs.1,00,000/- in default of payment of fine to undergo simple imprisonment for six months; to undergo 7 years R.I. for each count and to pay a fine of Rs.1,00,000/- for each count in default of payment of fine to undergo simple imprisonment for six month for each



count for the offence under Section 420 of I.P.C; to undergo 7 years R.I. for each count and to pay a fine of Rs.1,00,000/- for each count in default of payment of fine to undergo simple imprisonment for six month for each count for the offence under Section 467 of I.P.C; to undergo 7 years R.I. for each count and to pay a fine of Rs.1,00,000/- for each count in default of payment of fine to undergo simple imprisonment for six month for each count for the offence under Section 468 of I.P.C; to undergo 7 years R.I. for each count and to pay a fine of Rs.1,00,000/- for each count in default of payment of fine to undergo simple imprisonment for six month for each count for the offence under Section 468 r/w 471 of I.P.C; (total fine of Rs.20,00,000/-) each by learned XI Additional Principal Special Judge, Chennai under judgment dated 30.12.2019 in C.C.No.3 of 2005. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the appellants would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that after conviction, the appellants were remanded to prison as early as on 30.12.2019 and would further submit that the appellants are now confined in Central Prison, Puzhal, Chennai.

3. He would further submit that the appellants are ready to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) (fine amount of Rs.20,00,000/- + additional amount of Rs.5,00,000/-) each.

4. Heard the submission made by the learned Special Public Prosecutor for CBI cases who takes notice on behalf of the respondent.

5.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 appellants are entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellants are directed to be enlarged on bail, on condition that the appellants shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned XI Additional Principal Special Judge, Chennai, and on further condition that the appellants shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) each immediately for enlargement of bail and after release on bail the appellants shall deposit another sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) each to the credit of C.C.No.3 of 2005 before the XI Additional Principal Special Court, Chennai and on further condition that the appellants shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7. The XI Additional Principal Special Court, Chennai is directed to transfer the entire amount lying in C.C.No. 3 of 2005 to the <https://hcservices.ecourts.gov.in/hcservices/> Canara Bank, Nerukundram Branch, Chennai. The Branch Manager, Canara



Bank, Nerkundram Branch, Chennai is directed to open an account in the name of C.C.No.3 of 2005 and keep the amount transferred from the XI Additional Principal Special Court, Chennai in deposit.

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-sd/-

08/01/2020

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 XI ADDITIONAL PRINCIPALSPECIAL
JUDGE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON-I, PUZHAI, CHENNAI

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, PUZHAI, CHENNAI

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

5 THE INSPECTOR OF POLICE,
CBI/ACB/CHENNAI, SAHSTRI BHAVAN,
CHENNAI-600 006.

6 THE BRANCH MANAGER,
CANARA BANK, NERKUNDRAM BRANCH,
CHENNAI

+2 C.C. to M/S.WARAOON AND SAI RAMS Advocate on payment of
necessary charges SR.NO. 381

Order

in
CRL MP.45 & 46/2020

in
CRL A.3/2020

Date :08/01/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 09/01/2020