



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.40 of 2020

IN CRL A.2/2020

G.CHANDRAHASAN

[PETITIONER / APPELLANT /
ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
CBI/ACB, CHENNAI.

[RESPONDENT / RESPONDENT /
COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.2/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner in C.C.No.3 of 2005 on the file of the learned XI Additional Special Sessions Judge (CBI Cases Relating to Banks and Financial Institutions), Chennai, Judgment dated 30.12.2019 and enlarge the petitioner on bail, pending disposal of the Crl.A.No.2/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.2/2020 on the file of the High Court and upon hearing the arguments of M/S.A.NAGARAJAN, 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:-

Appellant was 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 was sentenced to undergo 4 years R.I. and to pay a fine of Rs.50,000/- in default of payment of fine and to undergo simple imprisonment for six months; to undergo four years R.I. for each count and also to pay a fine of Rs.50,000/- each count in default to undergo simple imprisonment for six months each count for the offence under Section 420 of I.P.C; to undergo R.I. for four years each count and also to pay a fine of Rs.50,000/- each count in default to undergo simple imprisonment for six months each count for the offence under Section 13(1)(d) of Prevention of Corruption Act, 1988 and under Section 13(2) of Prevention of Corruption Act, 1988 (charges 21, 22, 23, 24) (4 counts) (total fine of Rs.4, 50,000/-) by learned XI Additional Special Sessions 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 appellant 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 appellant was remanded to prison as early as on 30.12.2019 and would further submit that the appellant is now confined in Central Prison, Puzhal, Chennai.

3.He would further submit that the appellant has already paid the fine amount and apart from the fine amount now the appellant is ready to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only).

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 appellant is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant 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 XI Additional Special Sessions Judge, Chennai, and further on condition that the appellant shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit C.C.No.3 of 2005 before the XI Additional Special Sessions Court, Chennai and on further condition that the appellant 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 Special Sessions Court, Chennai is directed to transfer the entire amount lying in C.C.No. 3 of 2005 to the Canara Bank, Nerkundram 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 Special Sessions Court, Chennai in deposit.

-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.



1 XI ADDITIONAL SPECIAL SESSIONS JUDGE
(CBI CASES RELATING TO BANKS AND
FINANCIAL INSTITUTIONS), CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
CBI/ACB, CHENNAI.

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

5 THE BRANCH MANAGER
CANARA BANK, NERKUNDRAM BRANCH,
CHENNAI.

+2 C.C. to M/S.K.R.RAMESH KUMAR Advocate on payment of necessary
charges SR.No.388

Order

in
CRL MP.40/2020

in
CRL A.2/2020

Date :08/01/2020

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