

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.791 of 2020

IN CRL RC.119/2020

R.RATHINAKUMAR

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
SPE/CBI/EOW,
CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.119/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed on the petitioner herein passed by the learned IV Additional Sessions Judge, Chennai passed in C.A.No.87 of 2012 dated 11.11.2019 by modifying the order of trial court i.e The Additional Chief Metropolitan Magistrate in C.C.NO.10739 F 2003 DATED 16.04.2012.[CRL.MP.NO.791/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.119/2020 on the file of the High Court and upon hearing the arguments of M/S.J.SRINIVASAN 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:-

Petitioner/A5 was convicted for an offence under Section 120-B r/w 420 IPC and was sentenced to undergo 3 years Rigorous imprisonment and to pay a fine of Rs.25,000/- in default to undergo Rigorous Imprisonment for six months and also convicted the petitioner under Section 420 IPC and sentenced him to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.25,000/- in default to undergo Rigorous Imprisonment for six months by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai under judgement dated 16.04.2012 in C.C.No.10739 of 2003 and total Fine amount Rs.3,75,000/- is also imposed. The appeal against conviction and sentence imposed by the Trial Court was partly allowed and the sentence of 3 years Rigorous imprisonment punished for each of offence under Section 120-B r/w 420 and 420 IPC was modified and reduced to one year Rigorous imprisonment for each of the said offences by the learned IV Additional Sessions Judge, Chennai by judgement in Crl.A.No.87 of 2012 dated 11.11.2019.

2.Heard Both Sides.

3.The learned counsel appearing for the petitioner would submit that immediately after the sentence of conviction, the petitioner had surrendered before the Trial Court and he is in prison till now. On instructions he would further submit that the petitioner is ready to deposit Rs.1 lakh. Considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence. He would further submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

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 appellant 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) within a period of two weeks from the date of receipt of a copy of this order to the credit of State Bank of India, Overseas Branch, Chennai in RC4(E)/2002, failing which, the suspension of substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference to this Court and on further condition that the 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 Additional Chief Metropolitan Magistrate, Egmore, Chennai and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

12/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

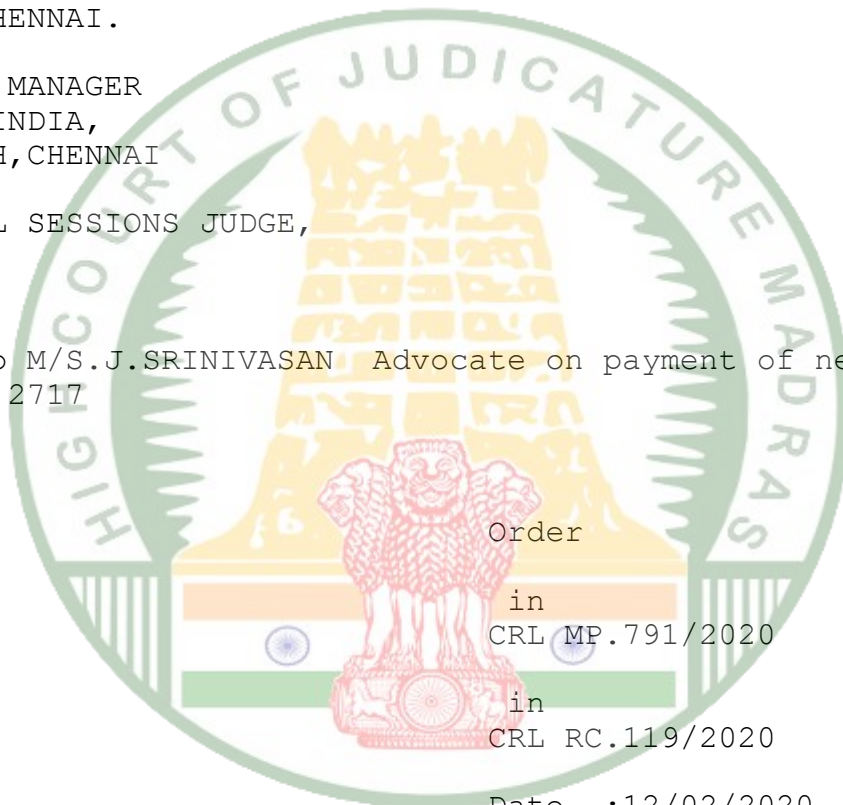
3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS

4 THE INSPECTOR OF POLICE,
SPE/CBI/EOW, CHENNAI.

5 THE BRANCH MANAGER
STATE BANK OF INDIA,
OVERSEAS BRANCH, CHENNAI

6 IV ADDITIONAL SESSIONS JUDGE,
CHENNAI

+1 C.C. to M/S.J.SRINIVASAN Advocate on payment of necessary
charges SR.NO. 2717



Date :12/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 12/02/2020

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