

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2092 of 2020

IN CRL A.108/2020

C.K.PRABAKARAN

[PETITIONER / APPELLANT /
ACCUSED]

Vs

STATE

[RESPONDENT / RESPONDENT /
COMPLAINANT]

ADDITIONAL SUPERINTENDENT OF POLICE,
CBI/ACB, CHENNAI.

(REF.RC MA1 2014 A 0021 OF CBI/ACB
CHENNAI DATED 23.05.2014)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.108/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the II Additional District Judge (CBI Cases), Coimbatore in C.C.No.1/2015 vide judgment dated 29.01.2020 until the disposal of the accompanying appeal preferred by the petitioner herein, pending disposal of the above Crl.A.No.108/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.108/2020 on the file of the High Court and upon hearing the arguments of MR.A.RAMESH, Senior Counsel for M/S.GOPI NARAYANAN, 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:-

The petitioner/appellant was convicted for the offences under Section 11 of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for the period of three years and to pay a fine of Rs.1,00,000/-, in default to undergo Simple Imprisonment for the period of six months and also convicted for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for the period of three years and to pay a fine of Rs.1,00,000/-, in default to undergo Simple Imprisonment for the period of six months. Both the sentences of imprisonment imposed on the appellant herein are ordered to be run concurrently. Further, the petitioner has paid the fine amount of Rs.2,00,000/-, on the date of judgment. Hence, the petitioner/appellant seeks suspension of sentence.

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 the petitioner is in prison till now. 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 appellant is directed to be enlarged on bail, on condition that the appellant 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 II Additional District Judge (CBI Cases), Coimbatore and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

-sd/-
25/02/2020

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 THE II ADDITIONAL DISTRICT
JUDGE (CBI CASES), COIMBATORE.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE ADDITIONAL SUPERINTENDENT OF POLICE,
CBI/ACB, CHENNAI.

+1 C.C. to M/S.GOPI NARAYANAN Advocate on payment of necessary
charges SR.No.3756

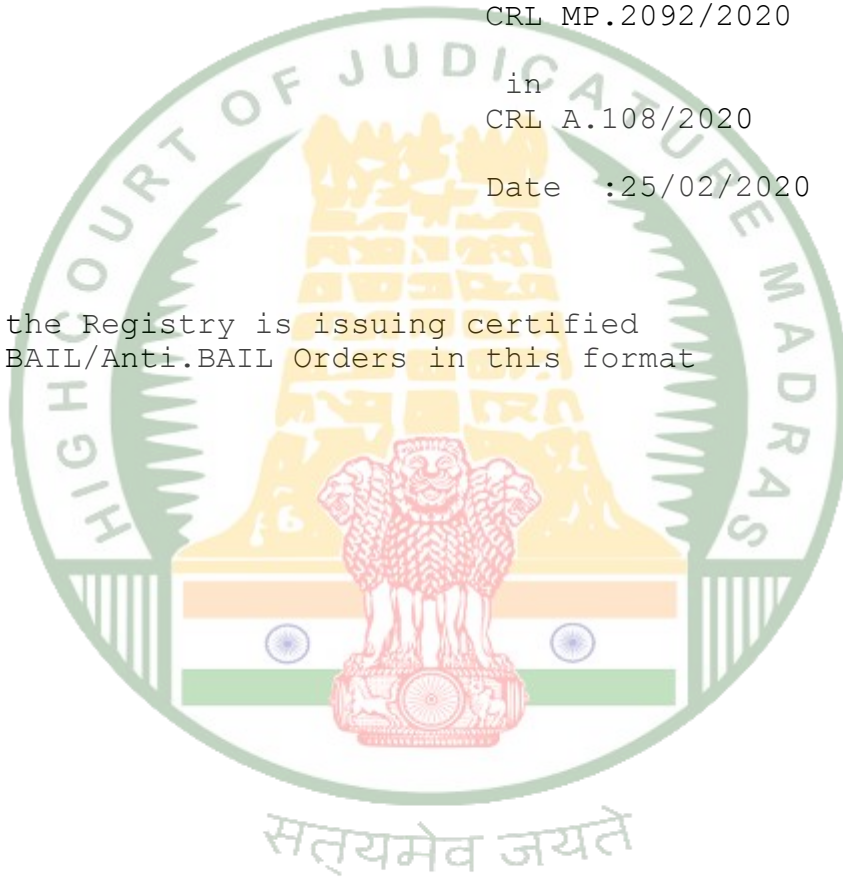
Order

in
CRL MP.2092/2020

in
CRL A.108/2020

Date :25/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 27/02/2020



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