

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

Thursday, the Twentieth day of February Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2224 of 2020

IN CRL A.116/2020

J.JAYAKUMAR

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

ADDITIONAL SUPERINTENDENT OF POLICE,
CBI, ACB, CHENNAI.

IN RC MA 1 2004 A 0065 DATED 30.09.2004.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.116 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction passed in CC.No.28 of 2006 on 22.01.2020 by the learned XIII Additional Special Judge for CBI Cases, Chennai and enlarge the petitioner / appellant on bail till the disposal of the CRL.A.No.116 OF 2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.116 OF 2020 on the file of the High Court and upon hearing the arguments of M/S.R.RADHA PANDIAN, Advocate for the petitioner and of M/S K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

Appellant/A3 was convicted for the offence under Sections 120 (b), 419, 420, 467, 468 r/w 471 and 471 of IPC and was sentenced to undergo 2 years imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one year for the offence under Section 120(b) of IPC; to undergo 2 years imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one year for the offence under Section 419 of IPC; to undergo 2 years imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one year for the offence under Section 420 of IPC; to undergo 2 years imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one year for the offence under Section 467 of IPC:

to undergo 2 years imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one year for the offence under Section 468 r/w 471 of IPC ; to undergo 2 years imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one year for the offence under Section 471 of IPC, to run concurrently, by the learned XIII Additional Special Judge for CBI Cases, Chennai, under judgment in C.C.No.28 of 2006 dated 22.01.2020. Hence, the appellant/A2 seeks suspension of sentence.

2.The learned senior 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 though the petitioner has prayed for Suspension of Sentence however, he is not pressing suspension of conviction and thereafter, this Court may consider for suspension of sentence. It is further submitted by the learned senior counsel, that the petitioner without prejudice to his rights, is ready and willing to deposit Rs.10,00,000/- directly to the Madras Atomic Power Station (MAPS), Kalpakkam. Hence he prays for granting suspension of sentence to him.

3.Heard the submissions of the learned Special Government Pleader, CBCID cases.

4.Having regard to the fact that there are arguable points involved in the appeal and the petitioner is ready to pay a sum of Rs.10,00,000/- directly to the Madras Atomic Power Station (MAPS), Kalpakkam and further, the appeal is not likely to be taken up for final hearing in the near future, 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 :

(i) the petitioner directs to deposit a sum of Rs.10,00,000/- (Rupees. Ten Lakhs only) directly to the Madras Atomic Power Station (MAPS), Kalpakkam, by way of Demand Draft within a period of two weeks, from the date of receipt of copy of this order; and produce the proof of payment before the lower Court at the time of executing sureties.

(ii) 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 XIII Additional Special Judge for CBI Cases, Chennai and on further condition that

(iii) 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.
Notice.

-sd/-

20/02/2020

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 XIII ADDITIONAL SPECIAL JUDGE
FOR CBI CASES, CHENNAI

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

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

4 THE MADRAS ATOMIC
POWER STATION (MAPS) KALPAKKAM

C.C. to M/S.R.RADHA PANDIAN Advocate on payment of necessary charges SR.3419

Order

in
CRL MP.2224/2020

in
CRL A.116/2020

Date : 20/02/2020

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RVR 21/02/2020