

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.MP.Nos.3866 & 3867 of 2020

in Crl.MP.No.1418 of 2020

in Crl.A.No.71 of 2020

Crl.MP.No.3866 of 2020

B.BALASUBRAMANIAN

... PETITIONER

-VS-

THE INSPECTOR OF POLICE - CCB,
CBI-ACB/CHENNAI,
CHENNAI - 600 006

... RESPONDENT

PRAYER: Miscellaneous petition filed under Section 389(1) and 439 of Cr.P.C. praying to reduce the fine amount or modifying the earlier order to remit the total fine amount in 3 installments to comply and obey the Order of this Court from the date of receipt of the Order of this Court, and also to issue an order in granted bail vide Crl.MP.No.1418 of 2020 and the respective jail authorities are directed to release the petitioner/ appellant on bail on execution of own bond of Rs.10,000/-.

FOR PETITIONER

: MR.P.K.MURALI

Crl.MP.No.3867 of 2020

B.BALASUBRAMANIAN

सत्यमेव जयते...

PETITIONER

-VS-

THE INSPECTOR OF POLICE - CCB,
CBI-ACB/CHENNAI,
CHENNAI - 600 006

... RESPONDENT

PRAYER: Miscellaneous petition filed under Section 389(1) and 439 of Cr.P.C. praying an order to extend four weeks time to remit the fine amount and obey the Order of this Court from the date of receipt of the Order of this Court.

FOR PETITIONER

: MR.P.K.MURALI

(GIVEN INSTRUCTIONS OVER PHONE)

C O M M O N O R D E R

These miscellaneous petitions have been filed praying to reduce the fine amount or modifying the earlier order dated 20.02.2020 in CrI.MP.No.1418 of 2020 in CrI.A.No.71 of 2020 to remit the total fine amount in 3 installments, to direct the jail authorities to release the petitioner/ appellant on bail on execution of own bond of Rs.10,000/- and to extend four weeks time to remit the fine amount.

2. The petitioner was convicted for the offences under Sections 120(b) r/w 420, 467, 467 r/w 471, 468 r/w 471 of IPC and Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988, Section 420, 467 r/w 471 of IPC by the learned XI Additional Special Sessions Judge, (CBI cases relating to Banks and Financial Institution) under Judgment in CC.No.3 of 2005 dated 30.12.2019 and he was sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1,00,000/- for each of the offence (total fine amount is Rs.6,00,000/-) and in default to undergo rigorous imprisonment for a period of six months for each offences, which were directed to run concurrently.

3. Aggrieved by the same, the petitioner preferred an appeal in CrI.A.No.71 of 2020 before this Court and this Court suspended the sentence by an order dated 20.02.2020 in CrI.MP.No.1418 of 2020 in CrI.A.No.71 of 2020 on following conditions:

(i) the petitioner directs to deposit the entire fine amount of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of C.C.No.3 of 2005 on the file of the learned XI Additional Special Sessions Judge (CBI cases relating to Banks and Financial Institution), by way of Demand Draft within a period of two weeks, from the date of receipt of copy of this Order:

(ii) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousands only), with two sureties each for a like sum to the satisfaction of the learned XI Additional Special Sessions Judge (CBI cases relating to Banks and Financial Institution), 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.

4. The learned counsel for the petitioner submits that the petitioner was doing fabrication job on daily wages basis in a small fabrication shop in Chennai as such generating such high value of money from the known sources in two weeks time to this petitioner has been difficult. Further due to the complete lock down in the entire nation, accessibility to Courts and Tribunals on account of their

extreme limited functioning have caused inconvenience to the wife of the petitioner / appellant in generating and procuring funds from the known sources. Hence, the present petitions have been filed.

5. Heard the learned counsel for the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to modify the conditions imposed on the petitioner by this Court in Crl.MP.No.1418 of 2020 by an order dated 20.02.2020, and the conditions are modified as follows:

(i) the petitioner is permitted to deposit the fine amount by three instalments.

(ii) the first instalment of fine amount of Rs.2,00,000/- (Rupees Two Lakhs only) shall be paid on or before 20.04.2020.

(iii) the second instalment of fine amount of Rs.2,00,000/- (Rupees Two Lakhs only) shall be paid on or before 22.05.2020

(iv) the third instalment of fine amount of Rs.2,00,000/- (Rupees Two Lakhs only) shall be paid on or before 22.06.2020.

(v) if the petitioner fails to comply the above conditions, the order passed by this Court in Crl.MP.No.1418 of 2020 in Crl.A.No.71 of 2020 dated 20.02.2020 shall stand automatically cancelled.

(*) (vi) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only), before the Superintendent of Central Prison Concerned.

7. Accordingly both the miscellaneous petitions are ordered.

-sd/-

02/04/2020

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.

(*) For being mentioned ordered as per order of this court dated 03/04/2020.

TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

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

4 THE INSPECTOR OF POLICE
CBI/ACB/CHENNAI, SHASTRIBHAVAN,
CHENNAI-600 006.

C.C. to MR.P.K.MURALI Advocate on payment of necessary charges

Order

in
Crl.MP.Nos.3866 & 3867 of 2020
in Crl.MP.No.1418 of 2020
in Crl.A.No.71 of 2020

Date :02/04/2020

From 7.2.2001 the Registry is issuing certified
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