

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6128 of 2020

IN CRL.A.No.400 OF 2020

PARVATHY RAMAKRISHNAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
CENTRAL BUREAU OF INVESTIGATION, BANK
SECURITIES AND FRAUD CELL,
BANGALORE.
(REF.CR.NO.8(E)/2008 DATED 25.09.2008)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.400 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence of imposed in CC.No.45/2009 vide Judgment dated 29.09.2020 by the XI Additional City Civil and Sessions Judge (Special Judge for CBI cases Relating to Banks and Financial Institutions, Chennai-1 for offence u/s.120(B) r/w 409,420 IPC and 13(2) r/w 13(1)(d) prevention of corruption Act, 1988 and section 420 IPC acquit the Appellant/Accuse-5.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.400 OF 2020 on the file of the High Court and upon hearing the arguments of M/S A.RAMESH, SENIOR COUNSEL FOR M/S.C.ARUNKUMAR, 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:-

This criminal miscellaneous petition has been preferred seeking to call for the records and suspend the sentence of 3 years rigorous imprisonment besides fine of Rs.1,00,000/- (Rupees One Lakh Only) in default to undergo 6 months simple imprisonment imposed in C.C.No.45 of 2009 vide judgment dated 29.09.2020 by XI Additional City Civil & Sessions Judge (Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai - 1, for offence under Sections 120 (B) r/w 409, 420 IPC and 13(2) r/w 13(1) (d) Prevention of Corruption Act, 1988 and Section 420 IPC acquit the appellant/accused -5.

2. The petitioner, who was accused - 5 in C.C.No.45 of 2009 before the XI Additional City Civil & Sessions Judge (Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai - 1, was convicted of the offence under Sections 120(B) r/w 409, 420 IPC and 13(2) r/w 13(1) (d) Prevention of Corruption Act, 1988 and Section 420 IPC, and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.400 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.Ramesh, learned senior counsel for the petitioner and Mr.K.Srinivasan, learned Special Public Prosecutor for the respondent/State.

5. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. The trial Court has suspended the sentence of imprisonment imposed on the petitioner till 28.10.2020. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the XI Additional City Civil & Sessions Judge (Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai - 1, on or before 28.10.2020;
- (ii) After such surrender, the petitioner shall be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the XI Additional City Civil & Sessions Judge (Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai - 1;
- (iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the XI Additional City Civil & Sessions Judge (Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai - 1, may obtain a copy of their Aadhar card or bank pass book to ensure their identity; and

- (iv) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

08/10/2020

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 XI ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE (SPECIAL JUDGE FOR CBI
CASES RELATING TO BANKS AND FINANCIAL
INSTITUTIONS, CHENNAI-1.

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

3 THE INSPECTOR OF POLICE
CENTRAL BUREAU OF INVESTIGATION, BANK
SECURITIES AND FRAUD CELL, BANGALORE.

4 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.

+3 C.C. to M/S.C.ARUNKUMAR Advocate on payment of necessary
charges SR.6711

WEB COPY
Order
in
CRL MP.6128/2020

IN CRL.A.No.400 OF 2020

Date :08/10/2020

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

RVR 09/10/2020

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