



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourth day of May Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2964 of 2020
IN
CRL A(MD) No.154 of 2020

K.RAJARAMAN

... PETITIONER/APPELLANT/
ACCUSED - 1

Vs

THE STATE THROUGH
THE DEPUTY SUPERINTENDENT OF POLICE,
SPE/CBI/ACB, CHENNAI.
THRO RC MA1 2009 A 0036

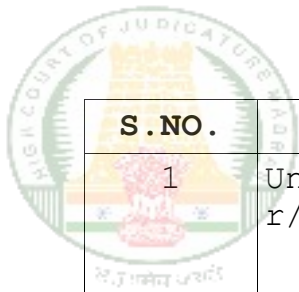
... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the learned II Additional District Judge for CBI cases, Madurai vide his judgement dated in C.C.No.2/2011, dated 12.03.2020 and to enlarge the petitioner/Accused No.1 bail pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.KARTHIK KANNA, Advocate for the petitioner and of Mr.N.NAGENDRAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed by the petitioner / A1 praying to suspend the sentence imposed by the learned II Additional District Judge for CBI Cases, Madurai, vide his Judgment, in C.C.No.2 of 2011, dated 12.03.2020 and to enlarge the petitioner / A1 on bail pending dispose of the above Criminal Appeal.

2. The petitioner is A1 in C.C.No.2 of 2011, on the file of the learned II Additional District Judge for CBI Cases, Madurai. The trial Court, after trial found the petitioner / A1 guilty and by judgment dated 12.03.2020, convicted and sentenced the petitioner / A1 as follows:-



S.NO.	OFFENCE	PUNISHMENT
1	Under Section 120-B r/w 420 IPC	4 years Simple Imprisonment and fine of Rs.1,25,000/-, in default, to undergo Simple Imprisonment for 6 months;
2	Under Section 420 IPC.,	3 years Simple Imprisonment and fine of Rs.75,000/-, in default, to undergo Simple Imprisonment for 6 months;
3	Under Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	2 years Simple Imprisonment and fine of Rs.50,000/-, in default, to undergo 6 months Simple Imprisonment.

3. Challenging the same, the Petitioner / A1 is before this Court with this appeal. Pending appeal, he has come up before this Court for suspension of substantive sentence of imprisonment.

4. The learned counsel appearing for the petitioner / A1 would submit that the petitioner / A1 is the then Senior Bank Manager of IOB, Thiruvanaikovil Branch. He would further submit that according to the prosecution, the petitioner / A1 had sanctioned the loan to A2, who is a private person, but, the petitioner / A1 is not a sanctioning authority and he is only the approving authority and he only forwarded the loan papers to the Regional Manager and the sanctioning authority is the Regional Manager. He also submitted that there are arguable points in favour of the petitioner / A1. Hence, the learned counsel prayed for suspension of sentence of imprisonment of the petitioner, pending disposal of the appeal.

5. I have heard Mr.N.Karthik Kanna, learned counsel for the petitioner / A1 and Mr.N.Nagendran, learned Special Public Prosecutor for CBI Cases appearing for the respondent and I have also perused the records carefully.

6.As rightly submitted by the learned counsel for the petitioner, there are some arguable points in favour of the petitioner / A1 and the appeal is not likely to be disposed of in the near future, there is no question of absconding, I am inclined to suspend the substantive sentence of imprisonment alone pending disposal of the appeal.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner / A1 alone is suspended and the petitioner / A1 is directed to be enlarged on bail, on the following conditions:

(i) The petitioner / A1 executes 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 for CBI Cases, Madurai;

(ii) The petitioner / A1 is directed to deposit the total fine amount of Rs.2,50,000/- apart from a sum of Rs.5,00,000/-, as conditional amount, to the credit of C.C.No.2 of 2011, on the file of the learned II Additional District Judge for CBI Cases, Madurai, within a period of 12 weeks from the date of receipt of a copy of this order. Thereafter, the trial Court shall transfer the said amount to the defacto complainant's Bank viz., Indian Overseas Bank, Thiruvanaikovil Branch, Tiruchirappalli and the said amount is kept in the Bank in the said Crime Number subject to the result of this appeal.

(iii) The petitioner / A1 shall report before the concerned Court on the first working day of every English calender month at 10.30 a.m. until further orders.

sd/-
04/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE II ADDITIONAL DISTRICT JUDGE FOR CBI CASES,
MADURAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
SPE/CBI/ACB, CHENNAI.
THRO RC, MA1, 2009 A 0036
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.2964 of 2020
IN
CRL A(MD) No.154 of 2020
Date :04/05/2020

MPK

<https://hcservices.courts.gov.in/hcservices/>
12/05/2020 : 3P/5C