

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.2744 of 2021

in CRL.A.No.109 of 2021

P.B.EDWIN PRABAKAR

[PETITIONER/APPELLANT]

Vs

THE STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
SPE/CBI/ACB,
FIR IN RC MA1/2009 A 0048,
CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of imprisonment imposed in the judgment dated 12.02.2021 made in C.C.No.17 of 2012 on the file of the Learned XIII Additional Special Judge for CBI Cases, Chennai and enlarge the petitioner on bail pending disposal of the above Crl.A.No.109 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. N.MANOHRAN, Advocate for the petitioner, and of MR.K.SRINIVASAN, Special Public Prosecutor for CBI-cases, on behalf of the Respondents the court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed vide judgment dated 12.02.2012 made in C.C.No.17 of 2012 on the file of the learned XIII Additional Special Judge for CBI Cases, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2.The Appellant/Accused No.4, was found guilty for the offence under Sections 120B, 420, 468, 471 IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 120 B IPC	Undergo Imprisonment for two years and to pay a fine of Rs.5,000/- in default to undergo Simple imprisonment for one month.
2.	Under Section 420 IPC	Undergo Rigorous Imprisonment for two years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.
3.	Under Section 468 IPC	Undergo Rigorous Imprisonment for two years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.
4.	Under Section 471 IPC	Undergo Rigorous Imprisonment for two years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.

3.The sentences were ordered to run concurrently. Aggrieved against the same, the Appellant/Accused No.4 has preferred the Criminal Appeal. Pending disposal of the Criminal Appeal, the Petitioner/Accused has filed the Criminal Miscellaneous Petition, seeking for suspension of sentence.

4.The case of the prosecution is that A1 & A2 are husband and wife respectively, and they are the trustees of A11 trust, and that A11 trust through the accused No.1 & 2 have submitted a proposal to AICTE for establishment of a college at Parukkal Village, Kanchipuram District, but, they have started the College in a residential building at Srinivasa Nagar, Koyambedu, Chennai -107 and that AICTE Team had inspected the premises on various occasions and found that it was not suitable for grant of affiliation to run the Engineering College at a residential complex. For the purpose of getting an approval from AICTE, A11 trust had acquired 20 cents under document Nos.4340 to 4344 of 2002, and another 9 cents under Doc. No.4339/2002, but they could not acquire the required extent of 5.40 acres, therefore, the petitioner herein viz. Accused No.4 who was an employee of A12 college run by A11 trust had inserted his handwriting in between the typed contents stating **"building is approved by the Corporation of Chennai vide their approval number PPA/2512/97"** and the said forging was committed by the accused persons for the purpose of cheating the AICTE and Anna University for establishment of Engineering college. Hence charges were framed against the petitioner / Accused No.4 for having committed the

offence punishable u/s. Sections 120B, 420, 468, 471 IPC and after trial the accused was found guilty and convicted as stated above.

5.The learned counsel for the Appellant/Accused would submit that he is innocent and he has been falsely implicated in this case. He would submit that there are arguable points available in the appeal and that the Appellant/Accused is advised that he has got a fair chance of succeeding in the appeal and would pray that the substantive sentence of imprisonment imposed against the Appellant/Accused may be suspended.

6.Learned Special Public Prosecutor (CBI Cases) would submit from the reliable source of information received by the CBI / ACB, Chennai the Inspector of Police, CBI / ACB has registered FIR in RC MA1/2009 A 0048 at 5 p.m. on 31.08.2009 against the Professors Anand Mohan Agarwal, the then Advisor (E & T), AICTE, New Delhi, M.G.Devamane, the then Advisor (Admin) AICTE, New Delhi along with the John Alfred, Managing Trustee, St.Alfred Educational Trust, J.A.Institute of Engineering and Technology, Koyambedu, Chennai and the unknown officials of the CICTE and others. He would further submit that the prosecution has proved its case beyond all reasonable doubts and on the side of prosecution 78 witnesses viz P.W.1 to P.W.78 and marked 202 documents viz. Ex.P1 to Ex.P202. Hence, he opposed for the grant of bail to the Appellant/Accused No.4.

7.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the Appellant/Accused No.4 is ordered to be enlarged on bail, on the following conditions:-

- i. The Appellant/Accused No.4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the XIII Additional Special Judge for CBI Cases, Chennai.

The Appellant/Accused No.4 shall report before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

05/03/2021

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 XIII ADDITIONAL SPECIAL JUDGE FOR CBI
CASES, CHENNAI.

2 THE INSPECTOR OF POLICE,
SPE/CBI/ACB,
FIR IN RC MA1/2009 A 0048,
CHENNAI.

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

+1 C.C. to M/S. N.MANOCHARAN Advocate on payment of necessary
charges SR.NO.2830

Order

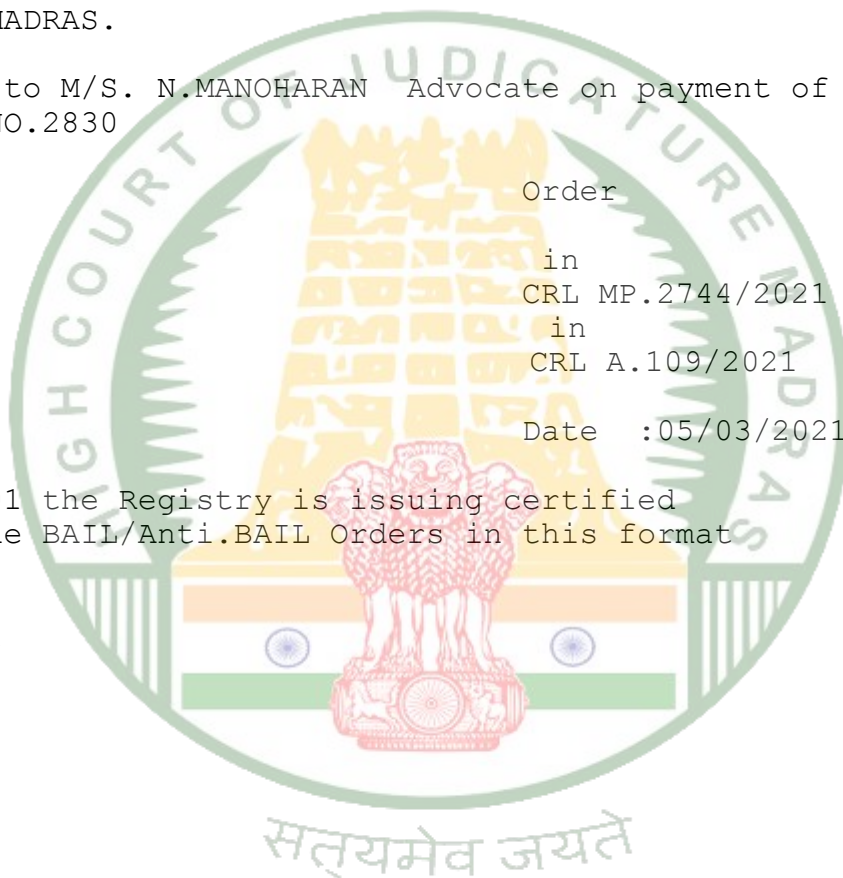
in
CRL MP.2744/2021

in
CRL A.109/2021

Date :05/03/2021

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TA-05/03/2021



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