

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

Crl.M.P. No.5270 of 2021

in Crl.A. No.189 of 2021

C.Krishna Mohan

.. Petitioner

Vs

The State by,
The Inspector of Police,
CBI, ACB,
Chennai.

.. Respondent

Criminal Miscellaneous Petition filed under Section 389 (1) of the Criminal Procedure Code, to suspend the sentence passed in C.C.No.01/2017 dated 09.04.2021 on the file of Second Additional District Court for CBI cases, Coimbatore pending disposal of the Criminal Appeal.

For Petitioner : Mr. S.Ramachandran

For Respondent : Mr. K.Srinivasan
Special Public Prosecutor for CBI cases

ORDER

The petitioner was convicted for the offence under Sections 420, 467 r/w. 471, 468 & 477-A and 409 IPC and under Sections 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988, Amended Act, 2014, in C.C.No.01 of 2017, by the II Additional District Court for CBI Cases, Coimbatore, and was convicted and sentenced to rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for three months for the each of the offences punishable U/s.420, 467 r/w.471, 468, 477-A and 409 IPC and u/s. 13(2) r/w. 13(1) (d) of Prevention of Corruption Act, 1988 . Aggrieved by the same, an appeal in Crl.A.No.189 of 2021 has been filed and pending disposal of the appeal the petitioner has prayed for suspension of the substantive sentence of imprisonment.

2. Learned counsel appearing for the petitioner submits that the petitioner has a bright chance of succeeding in appeal and hence, prays for suspension of sentence of imprisonment.

3. This Court gave its careful consideration to the submissions of the learned counsel for the petitioner and also perused the materials available on record.

4. On a consideration of the submissions and taking into consideration the fact that the appeal is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case for grant of suspension of sentence of imprisonment. Accordingly, this Court is inclined to suspend the substantive sentence of imprisonment imposed on the petitioner/accused.

Accordingly, the substantive sentence of imprisonment alone stands suspended pending disposal of the revision case and the petitioner is directed to be enlarged on bail on condition that the petitioner pays a sum of Rs.15,000/- (Rupees Fifteen Thousand only) either through RTGS/NEFT/Cash/Demand Draft in favour of The Dean, ESI Hospital, Coimbatore for the purpose of treating COVID-19 patients within a period of two weeks from today, and also on the condition that the petitioner shall execute bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the II Additional District Judge, (CBI cases), Coimbatore and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

This petition is ordered accordingly.

-sd/-

20/05/2021

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 II ADDITIONAL DISTRICT
JUDGE(CBI) CASES, COIMBATORE.

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

WEB COPY

3 THE INSPECTOR OF POLICE,
CBI, CHENNAI.

4 THE DEAN
ESI HOSPITAL, COIMBATORE

C.C. to M/S.S.RAMACHANDRAN Advocate on payment of necessary charges

Order

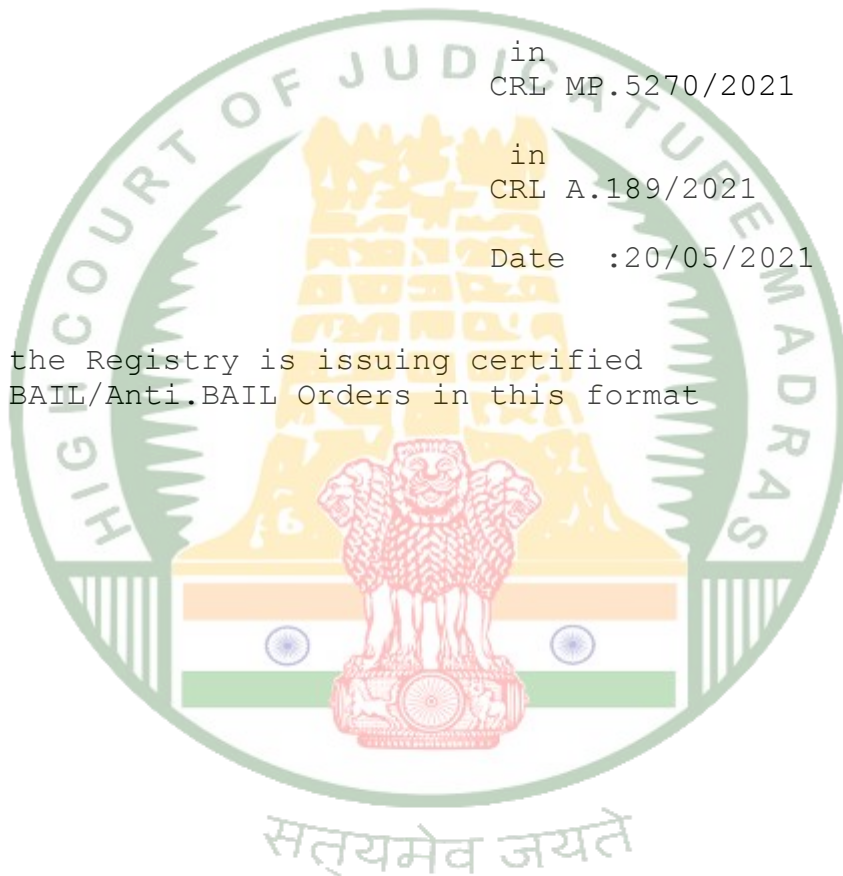
in
CRL MP.5270/2021

in
CRL A.189/2021

Date :20/05/2021

From 7.2.2001 the Registry is issuing certified
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RVR 02/06/2021



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