



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10934 of 2021

IN CRL A.498/2021

1 R.SEKAR

[PETITIONERS/APPELLANT/ACCUSED]

2 K.ANWAR HUSSAIN

Vs

THE STATE REP BY

[RESPONDENT/COMPLAINANT]

THE DEPUTY SUPERINTENDENT OF POLICE,
SPE/CBI/ACB/CHENNAI.

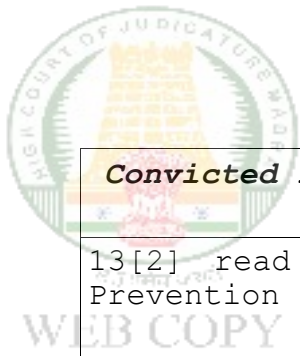
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioners in C.C.No.10 of 2011 passed by the Learned XII Additional Special Court for CBI Cases, Chennai by a judgment dated 07/10/2021 and enlarge the petitioners on bail pending disposal of the above Crl.A.No.498 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.V.S.VENKATESH, 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:-

[Video Conferencing]

1. This Criminal Miscellaneous Petition has been filed by the Petitioners / A1 and A3, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 07.10.2021 made in Special Case No.10/2011, by the learned XII Additional Judge, Special Court for CBI Cases, Chennai, pending disposal of the Criminal Appeal, in and by which, the Petitioners / A1 and A3 were convicted for the offences under Sections 13[2] read with 13[1][e] of the Prevention of Corruption Act and under Section 120-B IPC read with 13[2] read with 13[1][3] of the Prevention of Corruption Act, 1988, and were sentenced as follows:-



Convicted for the offences under Sections	Sentence Awarded
13[2] read with 13[1][e] of the Prevention of Corruption Act	Four years rigorous imprisonment and to pay a fine of Rs.3,00,000/- with a default sentence of six months simple imprisonment.
120-B IPC read with 13[2] read with 13[1][e] of the Prevention of Corruption Act	Two years rigorous imprisonment and to pay a fine of Rs.10,000/- with a default sentence of six months simple imprisonment.

2. This court heard the learned counsel on either side and also perused the materials placed on record.
3. According to the learned counsel for the Petitioners/A1 and A3, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Petitioners/A1 and A3 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioners/A1 and A3 may be suspended. It is also his submission that the fine amounts had already been paid.
4. The learned Additional Public Prosecutor has raised objections for suspending the sentence.
5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel and the learned Additional Public Prosecutor, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.
6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioners/A1 and A3 are ordered to be enlarged on bail, on the following conditions:-
 - i. The Petitioners/A1 and A3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each, with two sureties, each for a like sum to the satisfaction of the learned XII Additional Judge, Special Court for CBI Cases, Chennai ;

The Petitioners//A1 and A3 shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

27/10/2021

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 XII, ADDITIONAL JUDGE
SPECIAL COURT FOR CBI CASES, CHENNAI.

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

3 THE DEPUTY SUPERINTENDENT OF POLICE,
SPE/CBI/ACB/CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 C.C. to M/S.V.S.VENKATESH Advocate on payment of necessary
charges SR.NO.11863

Order

in
CRL MP.10934/2021

in
CRL A.498/2021

Date :27/10/2021

From 7.2.2001 the Registry is issuing certified
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TA-28/10/2021