



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.11211 of 2021

IN CRL A.517 of 2021

CHITRA KANI

[APPELLANT/ACCUSED A3]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CBI/ACB/CHENNAI.
(R.C. NO. 16/A/2008)

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioner in C.C.No. 08 of 2009 dated 30.09.2021 by he Learned IInd Additional District Judge Court, (CBI Cases) Coimbatore and enlarge the petitioner on Bail till the disposal of the above Crl.A.No.517 of 2021.
[IN CRL.MP.NO.11211 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. C.D .JOHNSON, Advocate for the Petitioner and of M/S.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 Petitioner / A3, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 30.09.2021 made in Special Case No.8/2009, by the learned II Additional District Judge [CBI Cases], Coimbatore, pending disposal of the Criminal Appeal, in and by which, the petitioner / A3 was convicted for the offences under Sections 120-B r/w 420, 419, 467, 468 and 471 IPC and also under Section 13[2] r/w 13[1][d] of the Prevention of Corruption Act, and was sentenced as follows:-



Convicted for the offences under Sections	Sentence Awarded
120-B r/w 420, 419, 467, 468 & 471 IPC & 13[2] read with 13[1][d] of the Prevention of Corruption Act	Three years rigorous Imprisonment and to pay a fine of Rs.25,000/- with a default sentence of six months simple imprisonment for the offences under IPC and the PC Act.

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 Petitioner/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 Petitioner/A3 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/A3 may be suspended. It is also his submission that the fine amounts had already been paid.

4.The learned Special Public Prosecutor [CBI Cases] 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 Special Public Prosecutor [CBI Cases], 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 Petitioner/A3 is ordered to be enlarged on bail, on the following conditions:-

i.The Petitioner/A3 shall execute 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 [CBI Cases], Coimbatore ;

ii.The Petitioner//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/-

02/11/2021

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 IIND ADDITIONAL DISTRICT JUDGE
COURT, (CBI CASES), COIMBATORE.

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

3 THE INSPECTOR OF POLICE,
CBI/ACB/CHENNAI.

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

Order

in
CRL MP.11211/2021

in
CRL A.517/2021

Date :02/11/2021

From 7.2.2001 the Registry is issuing certified
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RW 02/11/2021