



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.11799 of 2021

IN CRL.A.No.558 of 2021

ATHIMANI

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SPE/CBI/IACB, CHENNAI.

[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 passed in C.C.No. 6 of 2020 dated 28.10.2021 by the XIII Additional Court for CBI Cases, Chennai till the disposal of the Crl.A.No.558 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. R.D.SANTHANA KRISHNAN, Advocate for the petitioner and of MR.K.SRINIVASAN, Special public Prosecutor on behalf of the Respondent the court made the following order:-

Mr. K. Srinivasan, learned Special Public Prosecutor, takes notice for the respondent.

2. The petitioner, who is the sole accused in C.C.No.6 of 2010 on the file of the XIII Additional Court for CBI Cases, Chennai, seeks suspension of his sentence of imprisonment.



3. The petitioner was charged with the offences under Sections 120-B, r/w. 420, 471 of IPC and Sections 7, 12, 13(2) r/w. 13(1)(d) and 13(2) r/w. 13(1)(a) of the Prevention of Corruption Act 1988. The trial Court, by a judgment dated 28.10.2021, acquitted the petitioner from the offences under Sections 471 of IPC and Section 7, 12, 13(2) r/w. 13(1)(d) and 13(2) r/w. 13(1)(a) of the Prevention of Corruption Act and convicted the petitioner/accused under Section 120-B and 420 of IPC and sentenced him as under:

Conviction under Section	Sentence
120-B IPC	Imprisonment for two years and to pay a fine of Rs.5000/-, in default, to undergo Simple imprisonment for one month.
420 IPC	Imprisonment for two years and to pay a fine of Rs.5000/-, in default, to undergo Simple imprisonment for one month.

The Trial Court ordered the sentences to run concurrently.

4. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

5. The learned counsel appearing for the petitioner/appellant submits that even though charges framed under Prevention of Corruption Act and Section 471 of IPC, the trial Court acquitted the appellant from the above charges and convicted him only under Sections 120-B and 420 of IPC. He further submitted that entire fine amount has been paid and the Trial Court also suspended the sentence.

6. Heard both sides and perused the impugned judgment and the materials available on record.

7. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points involved in the appeal, I am inclined to suspend the substantive sentence of imprisonment alone .



8. Accordingly, pending appeal, substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he 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 XIII Additional Special Judge for CBI Cases, Chennai, with further condition that he shall appear before the said court once in a month, i.e., on the first working day of every month at 10.30 a.m., until further orders.

-sd/-
22/11/2021

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 THE XIII ADDITIONAL COURT
FOR CBI CASES, CHENNAI.

2 THE INSPECTOR OF POLICE,
SPE/CBI/IACB, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. R.D.SANTHANA KRISHNAN Advocate on payment of
necessary charges SR.NO.13269

Order

in
CRL MP.11799/2021
in
CRL A.558/2021

Date :22/11/2021

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JPA 23/11/2021