



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL MISCELLANEOUS PETITION No.1636 of 2022

IN CRL RC.171 of 2022

K.VINOTH

[PETITIONER]

Vs

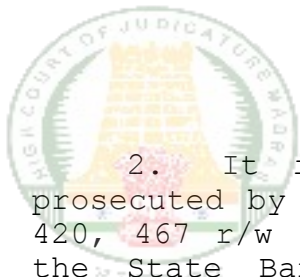
STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
SPECIAL CRIME BRANCH,
RAJAJI BHAVAN,
CHENNAI-600 090

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the sentence of one year Rigorous Imprisonment for each of the offences under section 420 and 467 read with 471 of IPC respectively imposed by Judgment dated 06.01.2012 by the Learned IV Additional District and Sessions Judge, Coimbatore in C.A.No. 39 of 2018 modifying the sentences of two years Rigorous Imprisonment and Three years Rigorous Imprisonment for the offences under section 420 and 467 read with 471 of IPC imposed by Judgement dated 18.12.2017 by the Learned Chief Judicial Magistrate, Coimbatore in C.C.No. 58 of 2016 and enlarge on Bail pending disposal of the above CRL.R.C.No.171/2022.

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. L.MOULI, Advocate for the Petitioner and of THE SPECIAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This criminal revision case came up for admission along with the petition to suspend the sentence in Crl.M.P.No.1636 of 2022.



2. It is seen from the submission that the petitioner was prosecuted by the respondent for the alleged offences under Sections 420, 467 r/w 471 IPC. Petitioner with a malafide intention to cheat the State Bank of Travancore, Coonoor Branch during May 2011 obtained/secured a fake and fabricated enjoyment certificate dated 12.05.2011, purportedly issued by Zonal Deputy Tahsildar, Kothagiri showing as if 47.50 acres in Survey Nos.375/7, 375/12, 218/7, 104/11, 120/8, 708/2A, 699/3 and 2, 120/8, 183/3 and 669/2 at Kotagri Village is in the enjoyment/possession of the petitioner. He submitted an application for Agriculture Credit dated 16.05.2011 seeking sanction of K.C.C. Loan of Rs.10,00,000/- from the bank showing that he is in possession of the aforesaid 47.50 acres. But in reality, he is not.

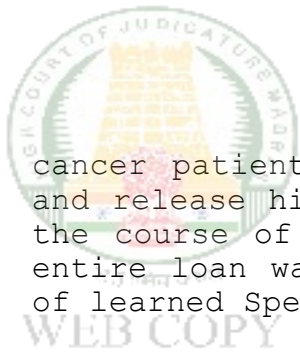
3. During the course of investigation, it was found that the signature in the possession certificate is not that of the then Zonal Deputy Tahsildar, Kothagiri. The criminal act of the Petitioner resulted in a wrongful loss of Rs.17,76,048/- to the Bank. On this charge, trial was conducted. The trial Court convicted the petitioner for the offences under Section 420, 467 read with 471 of IPC and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, in default to pay the fine, to undergo three months simple imprisonment for the offences under Section 420 IPC, he was convicted and sentenced to undergo rigorous imprisonment for three years and pay a fine of Rs.10,000/-, in default, to pay the fine, to undergo six months simple imprisonment for the offence under Sections 467 r/w 471 of IPC. The sentences are to run concurrently. The period of detention already undergone to be set off under Section 428 of Cr.P.C.

4. In appeal filed by the petitioner in Crl.A.No.39/2018, the learned IV Additional District and Sessions Judge, Coimbatore, while confirming the conviction under Sections 420, 467 r/w 471 IPC, reduced the sentence of imprisonment from two years and Three years rigorous imprisonment for the offences under Sections 420 & 467 r/w 471 IPC respectively, to one year rigorous imprisonment for each of the offences under Sections 420 & 467 r/w 471 IPC respectively.

5. Challenging the said conviction and sentence, the petitioner has preferred this Criminal Revision Case.

6. Heard the learned counsel for the petitioner and perused the records.

7. Learned counsel for the petitioner submitted that it is not an isolated case, where similar offences are committed. It is reported that there are totally about 28 cases, in which, the respondent police have registered only four or five cases and filed charge sheet and prosecuted the cases. Wherever the borrowers repaid the loan, no prosecution was launched. Without going into the merits of the case, he further submitted that the petitioner's mother is a



cancer patient and terminally ill and prays to suspend the sentence and release him on bail. It is further submitted by him that during the course of trial, the property which was mortgaged, was sold and entire loan was repaid. Respondent filed counter and the submission of learned Special Public Prosecutor was heard.

8. Without going into the merits of the case, considering the factual circumstances of the case, the fact that the petitioner had repaid the loan, his mother is terminally ill and that there are some arguable points available in the criminal revision case, I am inclined to pass the following orders:

The substantive sentence imposed against the petitioner alone is suspended and the petitioner is ordered to be released on bail on conditions that:-

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order and also;

ii) the petitioner shall appear before the above said Court on the first working day of every English calendar month at 10.30 a.m, until further orders.

-sd/-
21/02/2022

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 IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE.

3 THE INSPECTOR OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
SPECIAL CRIME BRANCH, RAJAJI BHAVAN,
CHENNAI 600090



4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. L.MOULI Advocate on payment of necessary charges
SR.NO.2657

Order
in
CRL MP.1636/2022
in
CRL RC.171/2022

Date :21/02/2022

From 7.2.2001 the Registry is issuing certified
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JPA 21/02/2022