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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.M.P.No.4900 of 2022

in Crl.A.No.401 of 2022

1.R.Dorairaj

2.S.Sarumathi

.. Petitioners/AA 1 & 2

Vs.

The Directorate of Enforcement,
Represented by the Assistant Director,
2nd & 3rd Floor, Murugesu Naicker Complex,
No.84, Greaves Road, Thousand Lights,
Chennai - 600 018.

..Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioners by judgment and order dated 10.03.2022 passed in C.C.No.16 of 2017 on the file of the XIV Additional Special Court for CBI Cases under Prevention of Money Laundering Act, 2002, Chennai and to enlarge the petitioners on bail pending disposal of the appeal.

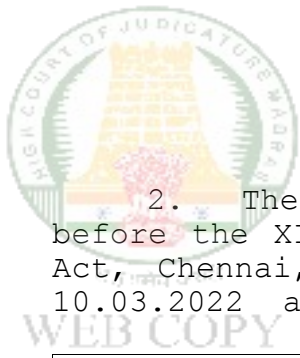
For Petitioners : Mr.S.Sathiyarayanan

For Respondent : Mr.P.Sidharthan
Special Public Prosecutor (ED)

ORDER

(Made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment and order dated 10.03.2022 passed in C.C.No.16 of 2017 on the file of the XIV Additional Special Court for CBI Cases under the Prevention of Money Laundering Act, 2002 (for brevity "the PML Act"), Chennai and to enlarge the petitioners on bail pending disposal of the appeal.



2. The petitioners faced a prosecution in C.C.No.16 of 2017 before the XIV Additional Special Court for CBI Cases under the PML Act, Chennai, in which, they have been convicted and sentenced on 10.03.2022 as follows:

Accused	Provision under which convicted	Sentence
R.Dorairaj (A1)	Section 4 of the PML Act	Three years rigorous imprisonment and fine of Rs.25,000/-, in default to undergo three months simple imprisonment, each.
S.Sarumathi (A2)		

3. Challenging the above conviction and sentence, the petitioners have filed Crl.A.No.401 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.Sathiyarayanan, learned counsel for the petitioners and Mr.P.Sidharthan, learned Special Public Prosecutor (ED) appearing for the respondent/State.

5. The learned counsel for the petitioners submitted that the trial Court has suspended the sentence of imprisonment imposed on the petitioners under Section 389(3) Cr.P.C. for a period of one month, so as to enable them to approach this Court and seek suspension of sentence and bail.

6. The petitioners have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioners have already been granted suspension of sentence and bail under Section 389(3) Cr.P.C. by the trial Court. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall surrender before the trial Court within two weeks from the date of receipt of a copy of this order and thereafter, execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the XIV Additional Special Court for CBI Cases under the PML Act, Chennai;



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(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their mobile number, Aadhar card or Bank pass Book to ensure their identity; and

(iii) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

-sd/-

11/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XIV ADDITIONAL SPECIAL
COURT FOR CBI CASES UNDER THE PREVENTION OF
MONEY LAUNDERING ACT, 2022, CHENNAI.

2 THE ASSISTANT DIRECTOR
DIRECTORATE OF ENFORCEMENT,
2ND AND 3RD FLOOR, MURUGESA NAICKER COMPLEX,
NO.84 GREAMS ROAD, THOUSAND LIGHTS,
CHENNAI 600018.

3 THE SPECIAL PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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+1C.C. to Public Prosecutor SR.No.5523

Order
in
CRL MP.4900/2022
in
CRL.A.401/2022
Date :11/04/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

CSK 13/04/2022