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Crl.M.P.No.13577 of 2022
in Crl.A.No.987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.13577 of 2022
in Crl.A.No.987 of 2022

1.A.M.Kaja Hussain

2.K.K.Reshma

.. Petitioners/AA 3 and 4

Vs.

State represented by
The Assistant Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance Department
of Revenue, 2nd and 3rd Floor,
Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai – 600 006.
(Crime No.ECIR 01 of 2012)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to
suspend the sentence imposed on the petitioners by judgment dated
04.08.2022 passed in C.C.No.48 of 2016 on the file of the Principal Special
Court for CBI Cases (VIII Additional City Civil Court), Chennai and to



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For Petitioners : Mr.A.M.Rahamath Ali

For Respondent : Mr.Siddharthan
Special Public Prosecutor (ED)

ORDER

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 04.08.2022 passed in C.C.No.48 of 2016 on the file of the Principal Special Court for CBI Cases (VIII Additional City Civil Court), Chennai and to enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners, who were the third and fourth accused in C.C.No.48 of 2016 before the Principal Special Court for CBI Cases (VIII Additional City Civil Court), Chennai, were convicted and sentenced as follows on 04.08.2022:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 3 of PML Act	Three years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment, each.
2	Section 4 of PML Act	

3. Challenging the above conviction and sentences, the petitioners have filed Crl.A.No.987 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. Heard Mr.A.M.Rahamath Ali, learned counsel for the petitioners and Mr.Siddharthan, learned Special Public Prosecutor (for ED) appearing for the respondent/State.

5. The learned counsel for the petitioners would submit on a petition filed by the petitioners in Crl.M.P.No.5561 of 2022 in C.C.No.48 of 2016, the trial Court, *vide* order dated 04.08.2022, has granted bail to the petitioners by suspending the sentences imposed on them for a period of one month and thereby, he prayed for suspension of sentence and bail for the petitioners.

6. The learned Special Public Prosecutor (ED) would submit that the petitioners are having property, which has been attached to the Central Government and the petitioners may be directed to file an affidavit before the trial Court undertaking that they will not alienate the said property. He would further submit that the trial Court may also be directed to intimate this order to the jurisdictional Sub-Registrar Office to prevent the petitioners from alienating the said property.



7. The petitioners have raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the trial Court has suspended the sentence imposed on the petitioners under Section 439 Cr.P.C. for a period of one month. 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.

8. 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 Principal Special Court for CBI Cases (VIII Additional City Civil Court), Chennai, on or before 05.09.2022;
- (ii) After such surrender, the petitioners shall be released on bail on they executing a bond for a sum of Rs.25,000/- with two sureties, each for a like sum to the satisfaction of the Principal Special Court for CBI Cases (VIII Additional City Civil Court), Chennai;
- (iii) 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 Aadhar card or Bank pass Book and mobile numbers to ensure their identity;
- (iv) 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



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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;

- (v) Independent of Section 317 Cr.P.C., in case of any emergency due to treatment, hospitalization, sudden death of his relatives, etc., the petitioners shall also intimate the jurisdictional police about the details of place of visit, name of the contact person with Aadhar card or any other photo identity of that person along with reasons therefor and the number of days of absence in the locality, before leaving Tamil Nadu;
- (vi) The petitioners shall furnish their mobile number, which shall not be changed till the issue comes to a logical conclusion and permanent residential address to the police and the trial Court. The petitioners are permitted to change the portability and not the mobile number;
- (vii) The petitioners shall file an affidavit of undertaking that they will not alienate the property attached by the respondent, until further orders; and
- (viii) The trial Court shall send a communication to the jurisdictional Sub-Registrar Office about the orders passed by this Court and the undertaking given by the petitioners.

(S.V.N., J.) (A.D.J.C., J.)
02.09.2022

nsd



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S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

nsd

To

- 1.The Principal Special Judge for CBI Cases,
(VIII Additional City Civil Court), Chennai.
- 2.The Assistant Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance Department
of Revenue, 2nd and 3rd Floor,
Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai – 600 006.
- 3.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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