



*Crl.M.P.No.124 of 2023 in
Crl.A.No.12 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HON'BLE MR. JUSTICE T.V.THAMILSELVI

Crl.M.P.No.124 of 2023

in

Crl.A.No.12 of 2023

Pallab Sinha

... Petitioner/Appellant

Vs.

State Rep. by Superintendent of Police,
Special Police Establishment,
Central Bureau of Investigation,
Anti-Corruption Branch,
Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence imposed in C.C.No.32 of 2011 dated 28.12.2022 by XIII Additional Special Court for CBI Cases, Chennai and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.



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For Petitioner : Mr.B.Satish Sundar
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor for
CBI Cases

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.32 of 2011, on the file XIII Additional Special Court for CBI Cases, Chennai vide judgement dated 28.12.2022, pending disposal of the Criminal Appeal.

2. In and by the judgment of the Trial Court, the petitioner/ appellant was convicted for the offence under section 13(2) r/w 13(1)(e) PC Act, and sentenced to undergo four years Rigorous Imprisonment and to pay a fine of Rs.25,000/- as fine, in default to undergo three months simple imprisonment, against which, the present appeal has been filed.

3. According to the learned counsel for the petitioner/appellant, 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/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the



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sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the petitioner is in custody from 28.12.2022 and hence, prayed for suspension of sentence.

4. Mr.K.Srinivasan, Special Public Prosecutor for CBI Cases appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and the learned Special Public Prosecutor (CBI Cases) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the



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petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/appellant shall execute 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 XIII Additional Special Court for CBI Cases, Chennai;
- ii. The petitioner/appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. With the above directions, the Criminal Miscellaneous Petition is ordered accordingly.

drl

12.01.2023
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To

1. The XIII Additional Special Judge for CBI Cases,
Chennai.
2. The Superintendent of Police,
Special Police Establishment,
Central Bureau of Investigation,
Anti-Corruption Branch,
Chennai.
3. The Superintendent, Central Prison,
Puzhal, Chennai.
4. The Special Public Prosecutor,
CBI Cases, High Court, Madras.



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T.V.THAMILSELVI, J.

drl

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**12.01.2023
(2/2)**