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Crl.M.P.Nos.1424 & 1425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.M.P.Nos.1424 & 1425 of 2023

in

Crl.R.C.No.186 of 2023

Pramod Kumar Saraf

... Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
CBI, EOW,  
Chennai.

... Respondent

**PRAYER in Crl.M.P.No.1424 of 2023:** Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence passed in C.A.No.245 of 2016 by the learned IV Additional Sessions, Chennai confirming the sentence passed by the Additional Chief Metropolitan Magistrate, Egmore, in C.C.No.3365 of 2013 pending disposal of the criminal revision.

**PRAYER in Crl.M.P.No.1425 of 2023:** Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., pleaded to grant an order of exemption from surrendering before the trial Court in pursuance to the order imposed in



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C.A.No.245 of 2016 by the learned IV Additional Sessions, Chennai confirming the order passed by the Additional Chief Metropolitan Magistrate, Egmore, in C.C.No.3365 of 2013 pending disposal of the criminal revision.

For Petitioner : Mr.K.P.Anantha Krishna

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl.Side)

### **COMMON ORDER**

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence and exemption from surrendering before the trial Court, pursuant to the order imposed by the learned Additional Chief Metropolitan Magistrate, Egmore, in C.C.No.3365 of 2013 dated 26.08.2016, which is confirmed by the learned IV Additional Sessions Judge, Chennai, in C.A.No.245 of 2016 dated 09.12.2022.

2. The conviction and sentence imposed against the petitioner is as follows:-

| <b><i>Under Section</i></b> | <b><i>Sentence</i></b>                                                                                                  |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 120-B r/w 420 IPC           | six months rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three weeks of simple imprisonment.    |
| 420 IPC                     | three years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo three months simple imprisonment. |



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3. Learned counsel for the petitioner submitted that the petitioner is a senior citizen, aged about 60 years, who had undergone hip replacement surgery recently. He also submitted that the petitioner is now under medical care, therefore, he was unable to attend the Court. He further submitted that the petitioner, during investigation was arrested on 26.09.2012 and enlarged on bail on 29.10.2012. He also submitted that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioner has got a fair chance of succeeding in the Criminal Revision Case and hence, he prayed that the sentence imposed against the petitioner may be suspended and the petitioner may also be exempted from surrendering before the Trial Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner guilty, convicted him as stated above. Therefore, he vehemently oppose for grant of suspension of sentence and exemption from surrendering before the trial Court.



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5. Heard the learned counsel for the petitioner and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence, exemption from surrendering are granted on the following conditions:

- i. The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai;
- ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



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7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

**13.03.2023**

ham/arb

To

1. The Additional Chief Metropolitan Magistrate,  
Egmore, Chennai.
2. The Inspector of Police,  
CBI, EOW,  
Chennai.
3. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

ham/arb

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