



Crl.M.P.No.1232 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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

Crl.M.P.No.1232 of 2023

in

Crl.A.No.750 of 2012

G. S.Subburaman

...Petitioner/Appellant-A2

Vs.

The State represented by,
CBI ACB,
Chennai
RC No.14(A)/2000

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the execution of the sentence dated 12.10.2012 passed on the file of the C.C.No. 4 of 2002, on the file of the learned XI Additional Special Judge for CBI Cases, City Civil Court, FAC Chennai pending disposal of the criminal appeal.

For Petitioner : Mr.V.Karthick
Senior Counsel
for Mr.T.S.Gopalan & Co
For Respondent : Mr.K.Srinivasan



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Special Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned XI Additional Special Judge for CBI Cases, City Civil Court, FAC, Chennai, vide judgment in C.C.No.4 of 2002 dated 12.10.2012.

2.Today at 2.15 p.m the learned counsel for the petitioner along with the aged petitioner appeared before this Court and mentioned that he has filed a petition seeking to suspend the sentence and the same has not been numbered. Hence he seeks to number the said petition. Further he submitted that when the matter was taken up for hearing on 25.01.2023, the learned senior counsel for the petitioner had not appeared. As there was no progress in the proceedings, on that day, the order of suspension of sentence was cancelled. Immediately, the petitioner counsel filed the present petition before this Court because the order of suspension of sentence was cancelled. He further submits that he is also ready to proceed with the matter.

3.For which Registry replies that the order of suspension of



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sentence passed by this Court dated 25.01.2023 was not yet uploaded.

Therefore, Registry is not inclined to number the petition. But the learned senior counsel for the petitioner replies that the petitioner is aged about 89 years and he is suffering with age related ailments. Hence, he prays to number the petition.

4.The learned Special Public Prosecutor admits that the order of suspension of sentence was cancelled by this Court on 25.01.2023 as there was no progress in the proceedings. He further submitted that this Court may pass the appropriate orders in the present petition filed by the petitioner.

5.On considering the age of the petitioner, who is aged about 89 years, this Court is inclined to suspend the sentence imposed on the petitioner. The petitioner is directed to co-operate with the Court proceedings and the earlier conditions passed by this Court while suspending the sentence on 31.10.2022 are ordered to be complied with by the petitioner.

T.V.THAMILSELVI, J.

vsn



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6. Accordingly, this Criminal Miscellaneous Petition is ordered.

27.01.2023

vsn

To

1. The XI Additional Special Judge for CBI Cases,
City Civil Court, FAC, Chennai,
2. The CBI ACB,
Chennai
3. The Public Prosecutor,
High Court of Madras.

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