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CrI.M.P.No.3578 of 2023 in CrI.RC.No.462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.3578 of 2023

in

CrI.RC.No.462 of 2023

R. Bhuvaneshwaran @ Saravanan

... Petitioner

/vs/

State of Tamil Nadu
represented by Sub-Inspector
of Police,
CCB Team XV, Chennai.
(Crime No.287/2006)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in C.C.No.7601 of 2006, dated 04.09.2018 by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) an CBCID Metro cases, Chennai, confirmed by the XV Additional Sessions Court, Chennai, by its judgment dated 15.09.2022 passed in CrI.A.No.482 of 2018 and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

For Petitioner

... Mr. J.Priscilla Pandian

For Respondent

... Mr.R.Vinothraja, GA (crl.side)



ORDER

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2. Totally, there are two accused in C.C.No.7601 of 2006. The trial court, by its judgment dated 04.09.2018 convicted and sentenced the petitioner/A1 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	U/s.471, 420 r/w.511 IPC	To undergo RI for a period fo 2 years and to pay a fine of Rs.10,000/-
	U/s.420 r/w.511 IPC	To undergo RI for 3 years and to pay a fine of Rs.10,000/- In default in payment of fine, to undergo SI for 6 months.
		Acquitted from the charge under section 465 IPC



The sentences of imprisonment were ordered to run consecutively.

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3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in C.C.No.7601 of 2006, the petitioner preferred Crl.A.No.483 of 2018 before the XV Addl. Sessions Court, Chennai, who, by his judgment dated 15.09.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent and perused



the materials available on record.

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6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision 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 petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai, within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the above said Court.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the abovesaid Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;



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(iii) The petitioner shall appear before the trial Court as and when required.

13.03.2023

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To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro cases, Chennai.
2. The XV Additional Sessions Court, Chennai
3. The Sub Inspector of Police,
CCB Team, XV,
Chennai.
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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