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Crl.M.P.No.3324 of 2023 in Crl.A.No.240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3324 of 2023

in

Crl.A.No.240 of 2023

Udhayaprakash

... Petitioner

/vs/

State represented by Deputy
Superintendent of Police,
Counterfeit Currency Wing,
Crime Branch CID,
Chennai

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (1) of Cr.P.C., to suspend the sentence imposed against the petitioner/Accused No.5 in judgment dated 20.09.2022 in S.C.No.20 of 2021, on the file of Sessions Judge for Bomb Blast Cases, Coimbatore and enlarge the petitioner on bail.

For Petitioner ... Mr. S. Suresh

For Respondent ... Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in S.C.No.20 of 2021, dated 20.09.2022 passed by Sessions Judge for Bomb Blast Cases, Coimbatore.



2. The petitioner is A5 in S.C.No.20 of 2021. The trial court, by its judgment dated 20.09.2022 convicted and sentenced the petitioner/A5 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A5	U/s.120B r/w.489A, 120B r/w.489B and 120B r/w.489D of IPC	To undergo 7 years RI and to pay a fine of Rs.2500/ for each offence (total fine amount Rs.7500/-), in default, to undergo one year RI for each offence.
	U/s.120B r/w.489C	To undergo 3 years RI
	U/s.489A r/w.109 and 489D IPC	To undergo RI for 7 years for each offence and to pay a fine of Rs.2500/- for each offence (in total - Rs.5000/-), in default in payment, to undergo RI for one year (for each offence)
	U/s.489 C IPC	To undergo 3 years RI

The sentences of imprisonments were ordered to run concurrently.

3. Aggrieved over the judgment of conviction and sentence imposed by the trial court, the petitioner has preferred the present criminal appeal 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 is contrary to law, weight of evidence and probabilities of the case. The learned counsel for the petitioner submitted that the allegation levelled against this petitioner A5 is that he has purchased equipments for preparing hand made fake currency notes from one Bloom Electronics on 19.01.2018 and also found in possession of three 2000 fake notes and it was seized on 19.01.2018. The seizure of the equipments and the fake currency notes is suspicious. The evidence of PW14 Varun Kumar, PW16-Dinesh, PW19 Saravanan is not reliable one. Further the prosecution has not produced the Epson L-850 printer used for printing fake currency notes and further, there is no materials produced by the prosecution before the trial court to show that the accused persons printed the fake notes by using the equipments purchased by them from the above said witnesses. Under these circumstances, there is an arguable point in favour of the accused and the petitioner is having every chance to succeed in the appeal. Thus he prayed for suspension of sentence imposed on the petitioner till the disposal of the appeal.

5. When the matter is taken up for hearing the learned Additional Public Prosecutor appearing for the respondent objected for suspension of sentence and bail.



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6. Considered the arguments of both sides and perused the impugned order and entire material evidence placed on record.

7. Perusal of records would reveal that the respondent police prosecuted the petitioner along with other accused for having committed the offence punishable under sections 120(B) r/w.498A, 120(B) r/w.489B, 120(B) r/w.489C, 120(B), r/w.489D and 489, 489A r/w.109 IPC and 489C IPC. The petitioner is A5 in this case. After trial, the trial court found guilty of the petitioner and convicted and sentenced the petitioner as stated above.

8. I have gone through the evidence cited by the petitioner as stated above and also the material objects seized by the respondent police and there is a suspicious circumstances about the seizure of the currency notes and the materials seized from the accused persons as to whether, the equipments were used for making fake currency notes. In the circumstances, there is arguable point in favour of the petitioner which has to be considered in detail and requires appraisal of factual aspects. 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



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view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

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

- (i) 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 Sessions Judge, Bomb Blast Cases, Coimbatore
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

14.03.2023

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To

1.The Sessions Judge for Bomb Blast Cases, Coimbatore



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2.The DSP, Counterfeit Currency Wing,
Crime Branch CID,
Chennai

3. The Superintendent of Prison,
Central Jail, Coimbatore.

4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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