



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

CrI.M.P.No.10746 of 2023

in

CrI.A.No.771 of 2023

B.Muthiah

.. Petitioner

Vs.

The Central Bureau of Investigation,
Rep.through
The Deputy Superintendent of Police
R.C.No.4(E) 98/CBI/BS & FC/Bangalore.

..Respondent

PRAYER : Criminal Original Petition has been filed under section 389(1) of Criminal Procedure Code to suspend the sentence imposed upon the petitioner by the trial Court under its Judgment dated 28.06.2023 passed in C.C.No.81 of 2001 by the Principal Special Judge for CBI Cases, VIII Additional City Civil Court at Chennai and enlarge the bail pending disposal of the above criminal appeal

For Petitioner : Mr.T.Sivananthan

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI)

ORDER

The petitioner herein, who is arrayed as 3rd accused in C.C.No.81 of 2001, was found guilty by the learned Principal Special Judge for CBI



Cases, VIII Additional City Civil Court, Chennai. He has been convicted

and sentenced vide impugned judgment dated 28.06.2023, as below:-

<i>Rank of the accused</i>	<i>Conviction under section</i>	<i>Sentence Awarded</i>
A3	<u>Charge No.1</u> 120(b) r/w 420, 467, 468 and 471 of IPC & under Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- each in default to undergo 6 months Simple Imprisonment each.
	<u>Charge No.3</u> 13(2) r/w 13(1)(d) of P.C.Act	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.
	<u>Charge No.4</u> 13(2) r/w 13(1)(d) of P.C.Act	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.
	<u>Charge No.5</u> 13(2) r/w 13(1)(d) of P.C.Act	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.
	<u>Charge No.6</u> 13(2) r/w 13(1)(d) of P.C.Act	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months



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<i>Rank of the accused</i>	<i>Conviction under section</i>	<i>Sentence Awarded</i>
		Simple Imprisonment.
	<u>Charge No.12</u> <u>13(2) r/w 13(1)(d) of</u> <u>P.C.Act</u>	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.
	<u>Charge No.15</u> <u>13(2) r/w 13(1)(d) of</u> <u>P.C.Act</u>	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.

The Trial Court ordered the period of sentences to run concurrently.

Total fine amount of Rs.70,000/- has already been paid by the petitioner.

The trial Court has suspended the sentence till 27.07.2023.

2. On perusing the memorandum of grounds of appeal, this Court finds grounds for arguments. Hence, the appeal has been admitted.

3. So far as the suspension of sentence is concerned, it is submitted by the learned counsel for the petitioner/appellant that the petitioner is suffering from facial paralysis and arthritis, hence prays for suspension of sentence on humanitarian ground.



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4 Heard the submission made by the learned counsel for the petitioner/appellant as well as the learned Special Public Prosecutor.

5 Considering the submission, the petition is ordered and the substantive sentences of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- [Rupees One lakh only] with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar Month at 10.30 a.m. until further orders.

27.07.2023

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To

1. The Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai.

2. The Deputy Superintendent of Police,
The Central Bureau of Investigation,
R.C.No.4(E) 98/CBI/BS & FC/BLR.



3. The Public Prosecutor (CBI) High Court of Madras, Chennai.

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Dr.G.JAYACHANDRAN,J.

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