



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.M.P.No.10605 of 2023

in

Crl.A.No.767 of 2023

M.Azeez

.. Petitioner

Vs.

State Rep.by

The Deputy Superintendent of Police,

The Central Bureau of Investigation,

R.C.No.4(E) 98/CBI/BS & FC/BLR.

..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.N.Ramakrishnan

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

ORDER

The petitioner is the appellant in Crl.A.No.767 of 2023, on the file of this Court. The petitioner herein, who is arrayed as 4th accused in



C.C.No.81 of 2001, was found guilty by the learned VIII Additional City

Civil Court (Special Court for CBI Cases), 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>
A4	<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.



<i>Rank of the accused</i>	<i>Conviction under section</i>	<i>Sentence Awarded</i>
	<u>Charge No.15</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.

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

Total fine amount of Rs.50,000/- has already been paid by the petitioner.

2. On perusing the memorandum of grounds of appeal, this Court finds that certain grounds raised in this appeal also needs consideration, which will be done by this Court at the time of final hearing. 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 permanent ill due to prostate cancer, hence prays for suspension of sentence on humanitarian ground.

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



WEB COPY

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 Sessions 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

rpl

2/2

To

1. The Principal Sessions 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.



WEB COPY



Dr.G.JAYACHANDRAN,J.

rpl

Crl.M.P.No.10605 of 2023
in Crl.A.No.767 of 2023

27.07.2023