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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2023

CORAM :

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

CrI.M.P.No.10770 of 2023

in

CrI.A.No.773 of 2023

Akkineni Manohar Prasad

.. Petitioner

Vs.

State by:

The Deputy Superintendent of Police

The Central Bureau of Investigation,

BS & FC, Bangalore.

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 on the petitioner in C.C.No.81 of 2001 on the file of the Principal Special Judge for CBI Cases, VIII Additional City Civil Court at Chennai made in judgment dated 28.06.2023 and enlarge the bail pending disposal of the above criminal appeal

For Petitioner : Mr.A.Nagarajan

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

ORDER

The petitioner herein is arrayed as 6th accused, the Joint Managing

Director of M/s.Gemini Pictures Private Limited, which is arrayed as 7th



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>
A6	<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.2</u> 420 IPC	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.7</u> 420 IPC	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.8</u> 420 IPC	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.



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<i>Rank of the accused</i>	<i>Conviction under section</i>	<i>Sentence Awarded</i>
	<u>Charge No.9</u> 467 IPC-Not guilty whereas convicted u/s.109 r/w.467 IPC	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.10</u> 468 IPC-Not guilty whereas convicted u/s.109 r/w.468 IPC	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.11</u> 468 IPC-Not guilty whereas convicted u/s.109 r/w.471 r/w.467 IPC	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.13</u> <u>420 IPC</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.14</u> <u>420 IPC</u>	To undergo two years Rigorous Imprisonment and pay a fine of Rs.10,000/- in default to undergo 6 months Simple Imprisonment.
	Appellant/A6 viz., Manohar Prasad was not found guilty for the offences U/s.420 of IPC (Charge No.16) and he is acquitted of the above said offence	



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

Total fine amount of Rs.90,000/- has already been paid by the petitioner.

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

3. The learned counsel appearing for the petitioner/appellant states that pending trial, the entire due been settled to the bank. Commercial transaction been converted to criminal prosecution and therefore, judgment of conviction is liable to be set aside.

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 and taking note of the fact that the monetary loss to the bank been compensated by settling the dues, the petition for suspension of sentence is ordered till the disposal of the appeal 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

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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.



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Dr.G.JAYACHANDRAN,J.

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