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*Crl.M.P.Nos.14272 & 14473 of 2023
in Crl.A.Nos.983 & 997 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.Nos.14272 & 14473 of 2023
in
Crl.A.Nos.983 & 997 of 2023

Crl.MP.No.14272 of 2023

L.Kumaresan

...Petitioner

Vs.

Inspector of Police,
CBI/EOW/Chennai
RCI(E)/2005
CBI/BS&FC/BLR

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 374 of Cr.P.C., to suspend the sentence imposed in judgment dated 11.08.2023 made in CC.No.6 of 2007 on the file of the II Additional District Judge, CBI Cases, Coimbatore and enlarge the petitioner on bail pending disposal of this criminal appeal before this Court

For Petitioner : Mr.N.Srinivas
for Mr.k.Chandrakumar

For Respondent : Mr.K.Srinivasan,
Senior Counsel,
Special Public Prosecutor for CBI cases



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Crl.MP.No.14473 of 2023

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K.R.Appu

...Petitioner

Vs.

State by Public Prosecutor,
Inspector of Police,
CBI/EOW/Chennai
RC1/2005/CBI BS&FC/BLR

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (i) of Cr.P.C., to suspend the sentence imposed in judgment dated 11.08.2023 made in CC.No.6 of 2007 on the file of the II Additional District Judge, CBI Cases, Coimbatore and enlarge the petitioner on bail pending disposal of this criminal appeal before this Court

For Petitioner : Mr.N.Srinivas
for Mr.k.Chandrakumar

For Respondent : Mr.K.Srinivasan,
Senior Counsel,
Special Public Prosecutor for CBI cases

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners, seeking suspension of sentence imposed by the learned II Additional District Judge, CBI Cases, Coimbatore, in CC.No.6 of 2007 dated 11.08.2023, and enlarge the petitioners on bail pending disposal of the above appeals.



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2. The petitioners herein are the accused in CC.No.6 of 2007 on the file of the learned II Additional District Judge, CBI Cases, Coimbatore. They were found guilty of the offences under Sections 120B r/w 409, 419, 420,467, 468, 471 & 477A of IPC and Section 13(2) r/w 13(1) (c) & (d) of Prevention of Corruption Act and they have been convicted and sentenced as under:

For the petitioner/A1 in Crl.MP.No.14272 of 2023

S.No.	Conviction	Sentence
1	Sections 120B r/w 409, 419, 420,467, 468, 471 & 477A of IPC	to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.25,000/-, in default to undergo simple imprisonment for six months.
2	Section 13(2) r/w 13(1) (c) & (d) of PC Act	to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.50,000/-, in default to undergo simple imprisonment for six months.

For the petitioner/A2 in Crl.MP.No.14473 of 2023

S.No.	Conviction	Sentence
1	Sections 120B r/w 409, 419, 420,467, 468, 471 & 477A of IPC and Section 13(2) r/w 13(1) (c) & (d) of PC Act	to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.25,000/-, in default to undergo simple imprisonment for six months.

Aggrieved against the same, the petitioners have filed these appeals along



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with the present miscellaneous petitions.

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3. The learned Senior Counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeals and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeals and hence, the substantive sentence imposed against the petitioners/accused may be suspended. Further it is his specific submission that while at the time of pronouncing judgment, the trial Court has suspended the sentence till 11.09.2023. He would submit that the petitioners are ready to abide the condition imposed by this Court.

4. Per contra, the learned Special Public Prosecutor appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also



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perused the materials placed on record.

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6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned Senior Counsel for the petitioners and the learned Special Public Prosecutor appearing for the respondent police, further these criminal appeals are not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeals, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioners/accused are ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned II Additional



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District Judge, CBI Cases, Coimbatore.

(b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

8. With the above directions, these Criminal Miscellaneous Petitions are ordered.

skr

09.10.2023



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To

1. The II Additional District Judge,
CBI Cases, Coimbatore.
2. Inspector of Police,
CBI/EOW/Chennai
RCI(E)/2005
CBI/BS&FC/BLR
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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