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Crl.M.P.No.19421 of 2022 in Crl.A.No.1284 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19421 of 2022

in

Crl.A.No.1284 of 2022

Anand

... Petitioner

/vs/

The State represented by
The Deputy Superintendent of Police,
CBCID, Counterfeit Currency Wing,
Chennai (Cr.No.1 of 2018)

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner hereby by the learned Sessions Judge for Trial of Bomb Blast Cases, Coimbatore, Coimbatore District made in S.C.No.20 of 2021 by judgment dated 20.09.2022 and enlarge him on bail pending disposal of the above appeal on the file of this Court.

For petitioner

... Mr. S. Suresh

For Respondent

... Mr.R.Vinothraja
Government Advocate(Crl.side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to release the petitioner on bail by suspending the sentence made in S.C.No.20 of 2021, dated 20.09.2022 on the file of the Sessions Court for Trial of Bomb Blast Cases, Coimbatore, pending disposal of the above appeal.

2. Totally, there are 7 accused and the petitioner is arrayed as A1. The Trial Court, by its judgment dated 20.09.2022 made in S.C.No.20 of 2021 convicted under Sections 120B r/w. 489A, 120B r/w.489B & 120B r/w.489C & 120B r/w.489D, 489A, 489C(2 counts) and 489D and sentenced the petitioner/A1 to undergo rigorous imprisonment for 7 years each and to pay a fine of Rs.2,500/-each, in default of payment of fine thereof to undergo further period of one year R.I for the offences under Sections 120B r/w. 489A, 120B r/w.489B & 120B r/w.489D and sentenced to undergo rigorous imprisonment rigorous imprisonment for 3 years for the offence under Section 120B r/w.489C and to undergo 7 years RI each and to pay a fine of Rs.2500/- , in default of payment of fine thereof to undergo further period of one year RI each for the offences under Sections 489A & 489D and also sentenced to undergo rigorous imprisonment for 3 years each for the offence under Section 489C(2 counts) .



3. Aggrieved over the judgment of conviction and sentence imposed, the petitioner/A1 had filed 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 appearing for the petitioner further submitted that though the petitioner/A1 was arrested on 01.06.2018 at about 18.15 hours at Velandipalayam, Thadagam Road, Maruthakonar Street, the respondent police seized four numbers of counterfeit notes of Rs.2000 and other items from the petitioner/A1 on the same day at 20.45 to 21.15 p.m and the same was not properly explained by the prosecution. The Trial Court overlooked the above said point along with other points. There are many contradictions in this matter with regard to seizure from the petitioner/A1. Apart from that, three confessions have been recorded from A1 on various dates, which creates a serious doubt in this matter. There are arguable points involved in this appeal. Thus, he prayed for granting suspension of sentence imposed on the petitioner pending disposal of the appeal.

5. The Government Advocate(Crl.side) appearing for the respondent strongly opposed to grant suspension to the petitioner.



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6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

7. On a perusal of the records, it is noticed that on 01.06.2018, the respondent on patrolling found the accused and arrested him for having illegal possession of 4 numbers of 2000 counterfeit notes. On perusing the records, the seizer mahazar time is shown on 01.06.2018 at 20.45 to 21.15 hours. But the arrest report card reveals as the petitioner/A1 was arrested on 01.06.2018 at 18.15 hours, which is contrary. Only after seizing the illegal fake notes from the accused, the accused could be arrested. But, in this case, this contradiction raised a serious doubt in the prosecution case and hence, the contention of the learned counsel for the petitioner in this regard is to be accepted. Under these circumstances, there are arguable points involved in this matter and hence, this Court is inclined to grant suspension of sentence to the petitioner.

8. Accordingly, the relief of interim 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.25,000/-(Rupees twenty five thousand only) with two sureties, each for a like sum, to the satisfaction of the



Chief Judicial Magistrate, Coimbatore.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iv) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 p.m., until further orders.

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Note : Issue order copy on 28.06.2023

To

1. The Session Judge,
Session Court for Trial of Bomb Blast Cases,
Coimbatore.
2. The Chief Judicial Magistrate,
Coimbatore.
3. The Deputy Superintendent of Police,
CBCID, Counterfeit Currency Wing,
Chennai
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison, Coimbatore.



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V. SIVAGNANAM, J.

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