



Crl.M.P.No.15774 of 2023 in Crl.A.No.1068 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.15774 of 2023
in Crl.A.No.1068 of 2023

S.Karthikeyan

... Petitioner/Appellant

Vs.

The State represented by,
The Inspector of Police,
CBI/EOW/Chennai,
RC 1(E)/2005,
CBI/BS&FC/BLR

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner in Spl.C.C.No.6 of 2007 dated 11.08.2023, passed by the learned II Additional District Judge (CBI Cases), Coimbatore and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Sekar

For Respondent : Mr.K.Srinivasan, Spl. P.P., for CBI Cases



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant/A5, seeking suspension of sentence, imposed by the learned II Additional District Judge (CBI Cases), Coimbatore, in Spl.C.C.No.6 of 2007 dated 11.08.2023.

2. The petitioner/A5 herein is the accused in CC.No.6 of 2007 on the file of the learned II Additional District Judge, CBI Cases, Coimbatore. He was 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 he has been convicted and sentenced as under.

<i>Under Section</i>	<i>Sentence</i>
120-B r/w 409, 419, 420, 467, 468, 471 and 477-A IPC and 13(2) r/w 13(1) (c) & (d) of Prevention of Corruption Act, 1988	Three years of rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment and for each of the substantive offences punishable u/s 420, 467, 468, 471 and 477-A of IPC. (Total fine amount imposed against A5 is Rs.60,000/-)



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3. The learned Counsel for the petitioner/accused/A5 would submit that there are arguable points available in the Criminal Appeals and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeals and hence, the substantive sentence imposed against this petitioner/accused/A5 may be suspended. Further it is his specific submission that similarly placed accused viz., A1 and A2 in this case have filed Crl.M.P.Nos.14272 and 14473 of 2023 in Crl.A.Nos.983 and 997 of 2023 seeking suspension of sentence and this Court, by an order dated 09.10.2023, had suspended the sentence on condition and while at the time of pronouncing judgment, the trial Court has suspended the sentence till 11.09.2023. He would also submit that the petitioner is 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 the petition. 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



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arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

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 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 and this Court had already suspended the sentence imposed on A1 and A2 by an order dated 09.10.2023 in Crl.M.P.Nos.14272 and 14473 of 2023 in Crl.A.Nos.983 and 997 of 2023, this Court is of the view that the substantive sentence of imprisonment alone in respect of A5 alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge in respect of A5 alone is suspended and bail is granted on the following conditions:



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- (a) The petitioner/accused/A5 is ordered to be released on bail, on his 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 District Judge, CBI Cases, Coimbatore.
- (b) The petitioner/accused/A5 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 petitioner/A5 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 he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

8. With the above directions, the Criminal Miscellaneous Petition is ordered.

30.10.2023

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Note : Issue order copy on 31.10.2023.

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To

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



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A.D.JAGADISH CHANDIRA, J.

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