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Crl.M.P.No.76 of 2023 in Crl.RC.No.1687 of 2022

Crl.M.P.No.76 of 2023
in
Crl.R.C.No.15 of 2023

V. SIVAGNANAM, J.

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment, dated 15.09.2022 passed in Crl.A.No.482 of 2018 by the XV Additional Sessions Court, Chennai, confirming the judgment of conviction and sentence imposed in C.C.No.7601 of 2006, dated 04.09.2018 by the Special Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Chennai and enlarge the petitioner on bail pending disposal of this Criminal Revision Case.

2. Totally there were two accused in C.C.No.7601 of 2006. The trial court, by its judgment dated 04.09.2018, ordered as follows;

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	U/s.471 of IPC	Each to undergo RI for a period of 2 years and to pay a fine of Rs.10,000/-
	U/s.420, r/w.511 of IPC	Each to undergo RI for a period of 3 years and to pay a fine of Rs.10,000/- each. (in default in payment of fine, each to undergo SI for 6 months)
A1 and A2		Acquitted from the charge u/s.465 IPC



The sentences of imprisonment were ordered to run consecutively.

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3. The petitioner, who is A2 in C.C.No.7601 of 2006, aggrieved over the judgment of conviction and sentence imposed on him in C.C.No.7601 of 2006, has preferred Crl.A.No.482 of 2018 before the XV Additional Sessions Judge, Chennai, who, by his judgment dated 15.09.2022, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has filed the present criminal revision case, 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 and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.

5. Heard the learned counsel appearing for the petitioner and the



learned Govt. Advocate (crl.side) appearing for the respondent and perused

the materials available on record.

6. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (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;



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(iii) The petitioner shall appear before the trial Court as and when required.

05.01.2023

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To

1. The XV Additional Sessions Court, Chennai,
2. The Special Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Chennai .
3. The Sub Inspector of Police,
CCB Team XV,
Chennai.
4. The Public Prosecutor, High Court, Madras.

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