



CRL.M.P.(MD)No.9969 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twelfth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.9969 of 2023

in

CRL.A.(MD)No.521 of 2023

1 PAUL JOHNSON

2 JESUVIN FEBI

... PETITIONERS/ APPELLANTS/ A1 & A7

Vs

THE STATE REP BY,
THE DEPUTY SUPERINTENDENT OF
POLICE, CBI, SCB, CHENNAI.
(RC 9(S) OF 2010)

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed upon the Appellants by the Judgment dated 12.06.2023 made in CC No.7/2012 on the file of II Additional District Court (CBI Cases), Madurai and enlarge the Appellants on bail pending disposal of the above appeal.



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PRAYER IN CRL A(MD)No. 521 of 2023:

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To call for the records relating to the judgment dated 12.06.2023 made in C.C.No. 7 of 2012 on the file of II Additional District Court (CBI Cases), Madurai and set aside the conviction and sentence imposed against the Appellants and allow appeal by acquitting the appellants.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.AJMAL KHAN, Senior Counsel for M/S. AJMAL ASSOCIATES for the petitioner and of MR.N.MOHIDEEN BASHA, Special Public Prosecutor for CBI Cases on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

Heard the learned Senior Counsel appearing for the petitioners and the learned Special Public Prosecutor appearing for the respondent.

2. I have perused the petitioners affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

3. After trial, the petitioners have been convicted and sentenced as under:-

Accused	Offences Punishable	Sentence Imposed
A1	120(B) r/w. 420 IPC 8 & 13(2) r/w. 13(1)(d) of PC Act	3 years RI with fine of Rs.10000/- i/d 6 months RI



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A7	120(B) r/w. 420 IPC 8 & 13(2) r/w. 13(1)(d) of PC Act	3 years RI with fine of Rs.10000/- i/d 6 months RI
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4. During the course of argument, the learned Senior Counsel appearing for the petitioners seeks indulgence of this Court to withdraw this petition so far as the 1st petitioner / A1 is concerned and he confined his argument to A7 alone.

5. According to the prosecution the 2nd petitioner / A7 is the wife of 1st petitioner / A1. The 2nd petitioner / A7 was working as a Teacher in the Government Higher Secondary School, Sithayankottai, Dindigul District. On 15.07.2005, she opened the account in the Savings Bank Account in the Syndicate Bank, Dindigul Main Branch and applied for loan of Rs.1,50,000/- and the same was sanctioned to her on 02.08.2005. It is the further case of the prosecution that A7 was ineligible for further loan from the Bank and hence, she got another loan from the said Bank to the tune of Rs.5,95,000/- and committed irregularity and also suppressed the existing housing loan liability to the another finance company. In the said factual circumstances, the Investigating Agency found that A1, who is the husband of A7 had actively participated in arranging the loan in connivance with A6 / Manger.

6. The learned Senior Counsel submitted that in view of the factual circumstances, the 2nd accused has only obtained loan without any knowledge about



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the connivance between A1 and A6 and also she settled the entire due amount. The learned Trial Judge also suspended the sentence till date. He further submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be assessed in detail. Hence, There is prima facie case in favour of the 2nd petitioner.

7.The learned Special Public Prosecutor appearing for the respondent would contend that the Trial Court has rightly convicted the petitioners on the basis of the evidence and the petitioners have no prima facie case in this appeal.

8. The petitioner obtained a loan after furnishing the documents obtained from the competent authority and she settled the entire due amount and the learned trial Judge also suspended the sentence of imprisonment and the fine amount paid and the number of infirmities in the conviction recorded by the trial Court brought to the knowledge of this Court and there are arguable points involved in the appeal and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the 2nd petitioner herein is entitled to the relief of suspension of sentence and accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the 2nd petitioner alone is suspended pending disposal of the appeal as against the 2nd petitioner / A7, with the following conditions:-



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(i) The 2nd petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned II Additional District Court (CBI Cases), Madurai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned officer may obtain a copy of their Aadhar or Bank Pass Book to ensure their identity.

(iii) The 2nd petitioner shall appear before the Court concerned on the first working day of every English Calender month at 10.30 a.m., until further orders.

9. In view of the endorsement made by the learned counsel appearing for the petitioners, this petition is dismissed as withdrawn as against 1st petitioner / A1.

sd/-
12/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE II ADDITIONAL DISTRICT JUDGE, (CBI CASES) MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
CBI, SCB, CHENNAI. (RC 9(S) OF 2010)
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE SECTION OFFICER,(CALL FOR RECORDS IN C.C.No.7/2012)
CRIMINAL RECORDS
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-10621[I] dated
13/07/2023)

ORDER
IN
CRL.M.P.(MD)No.9969 of 2023
in
CRL.A.(MD)No.521 of 2023
Date :12/07/2023

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023

PKP/BUC/SAR- /21.07.2023/ 6P/6C