

10.09.2024.
213.
Ct. No.237
Bd.

CRA 317 of 2018
CRAN 2 of 2024

Chitta Ranjan Halder @ Chittaranjan Halder
-vs-
Central Bureau of Investigation

Mr. Kaushik Gupta
Ms. Srimoyee Mukherjeefor the Appellant.

Mr. Anirban Mitra
Mr. Amajit De ... for the CBI

Re : CRAN 2 of 2024

Affidavit of service filed by the appellant is taken on record.

This is an application wherein appellant has sought for suspension of sentence imposed on the appellant herein and also prays for bail pending hearing of the present appeal.

It is submitted that by judgment dated 30th May, 2018 read with order dated 31st May, 2018 the appellant was convicted for commission of offences punishable under section 13(2) read with section 13(1)(e) of the Prevention of Corruption Act, 1988 and has been was sentenced to suffer imprisonment for seven years and to pay a fine of Rs. 50,00,000/- in default to suffer imprisonment for two years.

This appeal being CRA 317 of 2018 was admitted on 14.08.2018 but a bail prayer filed in connection with the

said appeal was rejected by this Court on 11.10.2018 when the co-accused persons were enlarged on bail.

The appellant herein submits that he is in custody since 30th March, 2018 i.e., more than six years and he is aged about 82 years.

It is further submitted that the judgment of conviction passed by the court below is the gross abuse of the process of the court and is liable to be set aside on merit on the ground that there are discrepancies in the testimony of the prosecution witnesses and that proper seizure was not made and that seizure was made in absence of appellant and that there is no valid sanction order and that prosecution failed to prove allegation under section 109 of IPC and for which Appellant has fair chance of success in the Appeal. Accordingly, petitioner has prayed for suspension of sentence and also for granting bail pendency of the present appeal.

Mr. Mitra, learned counsel appearing on behalf of CBI opposed the prayer of application for bail.

Having considered the facts and circumstances of the case and the submission made on behalf of the parties, the judgment and order of conviction dated 30th May, 2018 read with order dated 31st May, 2018 is hereby suspended till disposal of the appeal.

Considering the age of the appellant and also considering the fact that he has been sentenced to suffer imprisonment

for seven years and to pay a fine of Rs. 50,00,000/- in default to suffer imprisonment for two years, out of which he has already spent more than six years, behind the bar the prayer for bail made by the appellant is allowed.

The appellant may find bail of Rs. 30,000/- with two registered sureties out of which one must be local, subject to the satisfaction of learned CJM, South 24 Parganas and also on further condition that the appellant will not leave the District of South 24 Parganas without the leave of this Court.

CRAN 2 of 2024 is accordingly disposed of.

Department is directed to complete the preparation of paper book at the earliest and to report immediately as soon as the paper book will get ready.

Liberty is given to mention after supply of paper book.

(Ajoy Kumar Mukherjee, J.)