



Crl.M.P.No.4281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

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

Crl.M.P.No.4281 of 2024
in Crl.A.No.286 of 2024

Balasubramanian Sivaganesan @ B.Sivaganesan ... Petitioner/Appellant

Vs.

The State represented by,
The Additional Superintendent of Police,
SPE:CBI:ACB:Chennai.

(Crime No.RC.MA1.2010.A.0038 of
SPE:CBI:ACB/Chennai, dated 30.09.2010) ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to enlarge the petitioner on bail by suspending the sentence imposed on the petitioner in C.C.No.2 of 2012 dated 12.02.2024, on the file of the learned IX Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.R.Vijayaraghaven

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor for CBI



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant (A2), seeking suspension of sentence, imposed by the learned IX Additional Special Judge for CBI Cases, Chennai, vide judgment in C.C.No.2 of 2012 dated 12.02.2024.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
420 IPC	one year simple imprisonment and a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment.

3. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal



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Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the petitioner has deposited the fine amount before the Court concerned and further, the trial Court, while convicting the petitioner, has suspended the sentence till 12.03.2024.

4. Learned Special Public Prosecutor for CBI appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court, on finding that the petitioner/appellant guilty, convicted him as stated above. Therefore, he opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and Special Public Prosecutor for CBI appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of



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imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence is granted, on the following conditions :-

- i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned IX Additional Special Judge for CBI Cases, Chennai;
- ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

11.03.2024

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To

1. The IX Additional Special Judge for CBI Cases
Chennai.
2. The Additional Superintendent of Police,
SPE:CBI:ACB:Chennai.
3. The Special Public Prosecutor for CBI,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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