



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.7951 of 2024
in Crl.RC.No.955 of 2024

Masilamani

...Petitioner

Vs.

The Inspector of Police,
CCIW-CID,
Cuddalore,
Cr.No.10/2015

...Respondent

Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence imposed in CC.No.104/2016 dated 21.02.2020 on the file of the Judicial Magistrate-II, Panruti confirmed in CA.No.6 of 2020 dated 18.09.2020 on the file of the Principal Sessions Court, Cuddalore by enlarging the petitioner on bail pending disposal of the revision.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner has filed the Criminal Miscellaneous petition to suspend the sentence imposed in CC.No.104/2016 dated 21.02.2020 on the file of the Judicial magistrate-II, Panruti confirmed in CA.No.6 of



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2020 dated 18.09.2020 on the file of the Principal Sessions Court,
Cuddalore.

2. The petitioner (A2) was working as an appraiser, in Cuddalore District Central Co-operative Bank at Mandharakuppam Branch. The petitioner along with other accused have conspired together and falsified the account on the basis of the false appraiser report given by A2, the complainant bank had granted loans to A1 on various dates against the fake gold ornaments and thereby misappropriated a sum of Rs.7,38,000/- of the Bank. Thereby, the petitioner has committed offence punishable under Section 120(b), 408, 420, 477(A) read with 109 of IPC.

3. Before the trial Court, the revision petitioner (A2) was found guilty under Section 408, 420 and 477(A) of IPC and he was convicted and sentenced to undergo two years RI and to pay a sum of Rs.10,000, in default, to undergo SI for six months for the offence under Section 408 IPC and convicted and sentenced to undergo RI for two years and to pay a sum of Rs.10,000/- in default, to undergo SI for six months for the



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offence under Section 420 of IPC and convicted for the offence under Section 477(A) of IPC to undergo two years RI and to pay a fine of Rs.10,000/- in default, six months SI and the same was confirmed by the appellate Court. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

4. The learned counsel for the petitioner submit that the petitioner is an innocent and he has been falsely implicated in this case and he was nothing to do with the alleged offences. The petitioner is in jail. There are lot of material contradictions in the evidence of the respondent and the same is highly unbelievable. However, the petitioner is ready to abide any condition imposed by this Court.

5. The learned Government Advocate submitted that if the petitioner will pay the misappropriated amount, he has no objection to grant bail to the petitioner.

6. Heard both sides and perused the materials available on record.



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7. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay some misappropriated amount, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

8. The sentence imposed by the Court below dated 18.09.2020 made in C.A.No.6/2020 on the file of the learned Principal Sessions Judge, Cuddalore is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) in CC.No.104 of 2016 on the file of the learned Judicial Magistrate-II, Panruti within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail bond for a sum of Rs.10,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Panruti. This bail



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bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Judicial Magistrate-II, Panruti on the first working day of the every English Calendar Month at 10.30 am, until further orders; and

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court. "

9. Accordingly, this petition is ordered.

24.06.2024

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Note: Issue order copy on 28.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

M.DHANDAPANI, J.

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To

1. The Judicial Magistrate-II, Panruti
2. The Principal Sessions Judge, Cuddalore.
3. The Inspector of Police,
CCIW-CID, Cuddalore.
4. The Superintendent,
Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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