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*Crl.M.P.No.16843 of 2024
in Crl.R.C.No.2118 of 2024*

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SUNDER MOHAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioners in Criminal Appeal No.181 of 2023 dated 07.11.2024 on the file of the I Additional District and Sessions Judge, Vellore, confirming the judgment and order dated 23.11.2023 passed by the Judicial Magistrate No.II, Vellore in C.C.No.334 of 2017 and enlarge the petitioners on bail, pending disposal of the present revision

2. It is the case of the prosecution that the A.1 had a Savings Bank Account with Federal Bank, Vellore Branch and that he had pledged jewels and obtained 19 jewel loans for various period; and that the first petitioner/A.2 was working as Asst. Manager from 30.05.2005 to 22.05.2010 and the second petitioner/A.3 was working as Asst. Manager from 17.05.2006 to 05.05.2005 ; and that it was their duty to check whether the gold jewels pledged are genuine; and that after checking, they have to submit a report and that A.2 & A.3 had submitted a report stating that jewels were original and hence liable for the offences under Section 120(B), 409, 465, 468, 471, 477 (A), 420 of IPC.



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3. The learned counsel for petitioners would submit that the petitioners are not the appraisers of the Bank and since A.1 is a regular customer of the Bank, they had recommended grant of jewel loans; and that in fact, the Bank had considered their services and promoted them, as could be seen from the evidence of PW1; and that the prosecution had not made out any offence of forgery and falsification of accounts as it was not their case that the petitioners had forged any document; and that there are several arguable points in the above revision which requires consideration.

4. Heard the learned counsel for the petitioner as well as learned Government Advocate (crl.side) and perused the records.

5. Taking into consideration the submissions made by the learned counsel for the petitioners and finding force in the said submissions that there are several arguable points in the above revision which requires consideration, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court, subject to the following conditions, till the disposal of the above Criminal Revision :



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(a) The petitioners are ordered to be enlarged on bail, on condition that they shall execute a bond for a sum of Rs.10,000/- each, (Rupees Ten thousand only), with two sureties, each for a like sum to the satisfaction of the trial Court ;

(b) The petitioners shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if they are not able to appear before the Trial Court on that day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence as directed by the Trial Court.

(c) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

29.11.2024
(2/2)

rgr

SUNDER MOHAN, J.

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To

1.The I Additional District & Sessions Judge,
Vellore.

2.The Judicial Magistrate No.II,
Vellore.

3.The Public Prosecutor,
High Court, Madras.

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