

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Thirtieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION No.19131 of 2019

IN CRL.A.NO.912 OF 2019

K.SANTHANA KUMAR

[ PETITIONER / APPELLANT /  
ACCUSED ]

Vs

STATE REP.BY  
INSPECTOR OF POLICE,  
CBI/ACB/CHENNAI, SASTRI  
BHAVAN, HADDOWS ROAD,  
NUNGAMBAKKAM,  
R.C.NO.35/A/2005 AND  
R.C.NO.36/A/2005.

[ RESPONDENT / RESPONDENT /  
COMPLAINANT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.912/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in CC.No.6 of 2006 dated 28.11.2019 by the II Additional District Judge for CBI Cases, Coimbatore and enlarge the petitioners/appellants on bail pending disposal of the above Crl.A.No.912/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.912/2019 on the file of the High Court and upon hearing the arguments of M/S.L.P.BALAJIRAM, Advocate for the petitioner and of M/S.T.SHUNMUGARAJESWARAN, GOVERNMENT ADVOCATE O/O.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offence under Section 120-B r/w. 419, 420, 467, 467 r/w 468, 468 r/w. 471 IPC and Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 and for the substantive offences punishable under Section 467 r/w. 471, 419 and 420 IPC and sentenced to undergo two years R.I. and fine of Rs.10,000/- i/d 6 months S.I. for the offence under Section 120-B r/w. 419, 420, 467, 467 r/w 468, 468 r/w. 471 IPC and Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo two years R.I. and fine of Rs.10,000/- i/d 6 months S.I. for the each count of the each substantive offences punishable under Section 467 r/w. 471, 419 and 420 IPC by the learned II Additional District Judge (CBI Cases), Coimbatore under judgment dated 28.11.2019 in C.C.No.6 of 2006. Sentences are ordered to run concurrently. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner submits that there are several infirmities and inconsistencies found in the prosecution case. It is also contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. The learned Special Public Prosecutor appearing for the prosecution pointed out that while granting relief for the co-accused, certain conditions were imposed and that the same condition may be imposed in the present case also.

4. I am of the view that considering the nature of allegations made against the petitioner herein, such a condition need not be imposed and the petitioner has got arguable point in his favour.

5. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional District Judge (CBI Cases), Coimbatore and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-  
30/12/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 II ADDITIONAL DISTRICT JUDGE  
FOR CBI CASES, COIMBATORE.

3 THE SPECIAL PUBLIC PROSECUTOR  
CBI CASES, HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE,  
CBI/ACB/CHENNAI,  
SASTRI BHAVAN,  
HADDOWS ROAD, NUNGAMBAKKAM,  
R.C.NO.35/A/2005 AND  
R.C.NO.36/A/2005.

+1 C.C. to M/S.L.P.BALAJIRAM Advocate on payment of necessary  
charges SR.No.26613

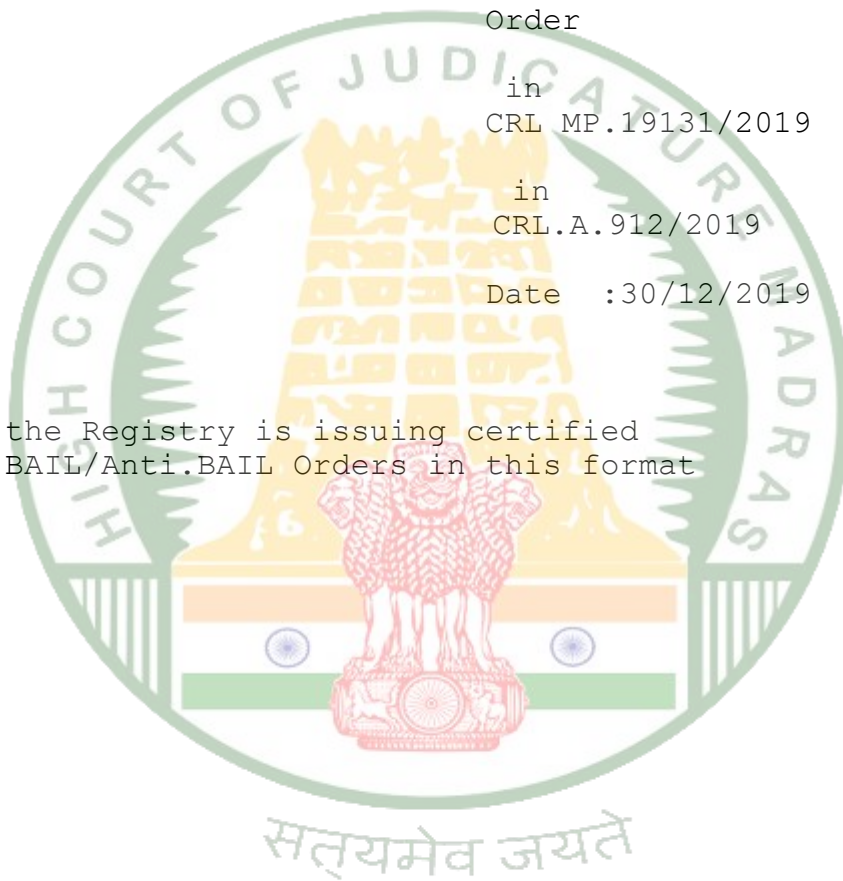
Order

in  
CRL MP.19131/2019

in  
CRL.A.912/2019

Date :30/12/2019

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