



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.8303 of 2021

IN CRL A.392/2021

J.SELVAM

[PETITIONER]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHEEPURAM.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.392/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Special Case no. 5 of 2014 of the Special Judge/Chief Judicial Magistrate for the cases under Prevention of Corruption Act, Chengalpattu and to enlarge the Appellant/Accused on bail till the disposal of the Crl.A.No.392/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.392/2021 on the file of the High Court and upon hearing the arguments of M/S.V.KRISHNAMOORTHY, Advocate for the petitioner and of M/S. E.RAJ THILAK, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

1. This Criminal Miscellaneous Petition has been filed by the Petitioner / A-1, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 16.08.2021 made in Special Case No.5/2014, by the learned Special Judge / Chief Judicial Magistrate, Kancheepuram District at Chengalpattu, pending disposal of the Criminal Appeal, in and by which, the petitioner / A-1 was convicted for the offences under Section 7 and 13[2] read with 13[1][d] of the Prevention of Corruption Act, and was sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1000/- with a default sentence of three months simple imprisonment for the commission of the offence u/s.7 of the Prevention of Corruption Act and was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.5000/- with a default sentence of six months simple



imprisonment for the commission of the offence u/s.13[2] read with 13[1][d] of the said Act.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner/A-1, 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/A-1 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/A-1 may be suspended.

4. The learned Government Advocate [Crl.Side] has raised objections for suspending the sentence.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/A-1 is ordered to be enlarged on bail, on the following conditions:-

(i) The Petitioner/A-1 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 Special Judge / Chief Judicial Magistrate for the cases under the Prevention of Corruption Act, Chengalpattu ;

(ii) The Petitioner//accused shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

26/08/2021

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

TRUE COPY

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



TO

1 THE SPECIAL JUDGE/CHIEF
JUDICIAL MAGISTRATE FOR THE CASES UNDER THE
PREVENTION OF CORRUPTION ACT, CHENGALPATTU

2 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.V.KRISHNAMOORTHY Advocate on payment of necessary
charges Sr.9123

Order

in
CRL MP.8303/2021

in
CRL A.392/2021

Date :26/08/2021

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RVR 26/08/2021