



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

Friday, the Third day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN
CRIMINAL MISCELLANEOUS PETITION No.8707 of 2021
IN CRL A.406/2021

M.BABU

[APPELLANT / SOLE ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION DEPARTMENT,
KANCHIPURAM
CR NO.3/AC/2012/KM

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.406/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Chief Judicial Magistrate Court at Thiruvallur in Spl.CC.No.07 of 2013 dated 23.08.2021 and enlarge the petitioner on bail till disposal of Crl.A.No.406 OF 2021 [IN CRL.MP.NO.8707 OF 2021]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.406/2021 on the file of the High Court and upon hearing the arguments of M/S.R.PRATHAP KUMAR, Advocate for the petitioner and of MR.E. RAJTHILAK Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

[Video Conferencing]

1. This Criminal Miscellaneous Petition has been filed by the Petitioner / Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 07.08.2021 made in Spl.CC.No.07/2013, by the learned Chief Judicial Magistrate, Thiruvallur, pending disposal of the Criminal Appeal, in and by which, the petitioner / Accused was convicted for the offences under Section 7 and 13[1][d] read with 13[2] of the Prevention of Corruption Act, and was sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/- 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 four years rigorous imprisonment and to pay a fine of Rs.10,000/- with a default sentence of three months simple imprisonment for the commission of the offence u/s.13[1][d] read with 13[2] 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/Accused, 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/Accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/Accused may be suspended. It is also his submission that the fine amount had already been paid.
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 and the learned Government Advocate [Crl.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/Accused is ordered to be enlarged on bail, on the following conditions:-
 - i. The Petitioner/Accused 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 Chief Judicial Magistrate, Thiruvallur ;
 - ii. The Petitioner//accused shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
03/09/2021

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 CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR.

2 THE OFFICER INCHARGE,
SUB-JAIL, THIRUVALLUR.

3 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION DEPARTMENT,
KANCHIPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.R.PRATHAP KUMAR Advocate on payment of necessary
charges SR NO.9541

Order

in
CRL MP.8707/2021

in
CRL A.406/2021

Date :03/09/2021

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MK:03/09/2021