



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.8952 of 2021

IN CRL A.415/2021

M.KUPPUSAMY

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHEEPURAM DISTRICT
(CRIME NO.1/AC/2013/KM)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal CRL A.415/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner herein by the learned Special Judge/Chief Judicial Magistrate, Kancheepuram District at Chengalpattu made in Special CaseNo.5/2014 by Judgment dated 16.08.2021 and enlarge the petitioner on bail pending disposal of the above Appeal on the file of this Honble Court

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.ARIVAZHAGAN, Advocate for the petitioner and of MR.E.RAJTHILAK, 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-2, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 16.08.2021 made in Spl.CC.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-2 was convicted for the offence under Section 12 of the Prevention of Corruption Act, and was sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of one month simple imprisonment.



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-2, 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-2 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/A-2 may be suspended. It is also his submission that the fine amount had already been paid and that the co-accused, viz., A-1, was also granted the relief of suspension of sentence by this Court, vide order dated 26.08.2021 in CrI.MP.No.8303/2021 in CrI.A.No.392/2012.

4.The learned Government Advocate [CrI.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 [CrI.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-2 is ordered to be enlarged on bail, on the following conditions:-

i.The Petitioner/A-2 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, Kancheepuram District at Chengalpattu ;

ii.The Petitioner//A-2 shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

13/09/2021

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 SPECIAL JUDGE/CHIEF
JUDICIAL MAGISTRATE, KANCHEEPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET

+1 C.C. to M/S.S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.No.9882

Order

in
CRL MP.8952/2021

in
CRL A.415/2021

Date :13/09/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

APN 14/09/2021