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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.9450 of 2021

IN CRL A.431 of 2021

A.ANGAMUTHU

[PETITIONER / APPELLANT]

Vs

STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM.
(CRIME NO.14/AC/2005)

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to

(i) Suspend the sentence of imprisonment imposed in judgment dated 26.08.2021 made in Spl.C.C.No.60 of 2014, on the file of Special Court for Trial of cases under the Prevention of Corruption Act, Salem and Enlarge the petitioner on bail pending disposal of the appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.KAITHAMALAI KUMARAN, Advocate for the petitioner, and of MR.E.RAJ THILAK, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

[Video Conferencing]

1.This Criminal Miscellaneous Petition has been filed by the Petitioner / 1st Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 26.08.2021 made in Spl.CC.No.60/2014, by the learned Special Judge (FAC), Special Court



for Trial of cases under the Prevention of Corruption Act, Salem, *pending disposal of the Criminal Appeal, in and by which, the petitioner / 1st Accused was convicted for the offences under Section 7 of the Prevention of Corruption Act, 1988 and was sentenced to undergo Two years rigorous imprisonment and to pay a fine of Rs.10,000/- with a default sentence of six months simple imprisonment and was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- with a default sentence of six months simple imprisonment for the commission of the offence u/s.13(2) r/w 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/1st 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/1st Accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/1st 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/1st Accused is ordered to be enlarged on bail, on the following conditions:-

i.The Petitioner/1st 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 Special Court for trial of cases under the Prevention of Corruption Act, Salem;



ii. The Petitioner/1st accused shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

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-sd/-
17/09/2021

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

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

TO

1 THE SPECIAL COURT FOR TRIAL
OF CASES UNDER THE PREVENTION OF CORRUPTION
ACT, SALEM.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.S.KAITHAMALAI KUMARAN Advocate on payment of
necessary charges

Order

in
CRL MP.9450/2021

in
CRL A.431/2021

Date :17/09/2021

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JPA 20/09/2021