



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10173 of 2021

IN CRL.A.NO.463 OF 2021

R.PONNAN

[ PETITIONER/2<sup>nd</sup> ACCUSED ]

Vs

STATE BY  
DEPUTY SUPERINTENDENT OF POLICE,  
CRIME BRANCH C.I.D,  
VELLORE RANGE.  
(CR.NO. 657/1991)

[ RESPONDENT/COMPLAINANT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.463 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Special Case No.3/2004 dated 15.09.2021 by the Court of Special Judge and Chief Judicial Magistrate, Tiruvannamalai pending disposal of the CRL.A.NO.463 of 2021(IN CRL.MP.NO.10173/2021).

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.463 of 2021 on the file of the High Court and upon hearing the arguments of MR.R.RAJARATHINAM 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 / 2<sup>nd</sup> Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 15.09.2021 made in Spl.C.No.3/2004, by the learned Special Judge and Chief Judicial Magistrate, Thiruvannamalai, pending disposal of the Criminal Appeal, in and by which, the petitioner / 2<sup>nd</sup> Accused was convicted for the offences under Sections 120-B, 409, 467, 468, 471, 477-A r/w 109, 119 of IPC and also under Section 13(1) (c) and (d) of Prevention of Corruption Act, 1988 and for the offence punishable under Section 120-B IPC, the petitioner / A2 was sentenced to undergo one year simple imprisonment, for the



offence punishable under Section 409 IPC, the petitioner / A2 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months, for the offence punishable under Section 467 IPC, the petitioner / A2 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months, for the offence punishable under Section 468 IPC, the petitioner / A2 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months, for the offence punishable under Section 471 IPC, the petitioner / A2 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months, for the offence punishable under Section 477-A IPC, the petitioner / A2 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months and for the offence punishable under Section 13(1)(c) & (d) of Prevention of Corruption Act, 1988, the petitioner / A2 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months.

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/2<sup>nd</sup> 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/2<sup>nd</sup> Accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/2<sup>nd</sup> Accused may be suspended. It is also his submission that the fine amount had already been paid.
4. The learned Additional Public Prosecutor 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 Additional Public Prosecutor, 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/2<sup>nd</sup> Accused is ordered to be enlarged on bail, on the following conditions:-



- i. The Petitioner/2<sup>nd</sup> 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 Court of Special Judge and Chief Judicial Magistrate, Thiruvannamalai;
- ii. The Petitioner/2<sup>nd</sup> 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/-

08/10/2021

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 AND CHIEF JUDICIAL MAGISTRATE,  
THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,  
CRIME BRANCH C.I.D,  
VELLORE RANGE,

+1C.C. to M/S. R.RAJARATHINAM Advocate on payment of necessary charges SR.NO.11242

Order

in

CRL MP.10173/2021

in

CRL.A.NO.463/2021

Date :08/10/2021

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

CSK 13/10/2021

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