



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10606 of 2021

IN CRL.A.NO.480 of 2021

S.DURAI

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
NAGAPATTINAM.  
(CRIME NO.04/2014)

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of 3 years simple imprisonment under Sec.7 of the Prevention of Corruption Act and 2 years simple imprisonment under Sec.13(2) r/w 13(1) (d) of the said Act, imposed upon the petitioner by the Chief Judicial Magistrate Court, Tiruvarur, on 14.09.2021 in Special C.C.No.1 of 2016 till the disposal of the Crl.A.No.480/2021.

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 K.M.SUBRAMANIAN, 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:-

**[Video Conferencing]**

1. This Criminal Miscellaneous Petition has been filed by the Petitioner / A1, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 14.09.2021 made in Spl.CC.No.01/2016, by the learned Chief Judicial Magistrate/Special Judge, Thiruvarur, pending disposal of the Criminal Appeal, in and by which, the petitioner / A1 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 three years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of six months simple



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imprisonment for the commission of the offence u/s.7 of the Prevention of Corruption Act and was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of three 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/A1, 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/A1 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/A1 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/A1 is ordered to be enlarged on bail, on the following conditions:-
  - i. The Petitioner/A1 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/Special Judge, Thiruvavarur;

The Petitioner//A1 shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-  
21/10/2021

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 CHIEF JUDICIAL MAGISTRATE COURT,  
THIRUVARUR.

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



2 THE CHIEF JUDICIAL MAGISTRATE  
SPECIAL JUDGE, THIRUVARUR.

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S K.M.SUBRAMANIAN Advocate on payment of necessary  
charges SR.NO.11716

Order

in  
CRL MP.10606/2021  
in  
CRL A.480/2021

Date :21/10/2021

From 7.2.2001 the Registry is issuing certified  
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TA-22/10/2021