



Crl.M.P.No.2869 of 2022 in Crl.A.No.225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.03.2022**

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No.2869 of 2022 in Crl.A.No.225 of 2022

V.Jayaraj

... Petitioner

..Vs..

State of Tamil Nadu rep by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode V & AC Crime No.02/AC/2014.ER

Selvan @ K. Selvaraj (Died)

.... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 389(i) of Cr.P.C, to suspend the sentence passed by the learned Chief Judicial Magistrate/Special Judge, Erode District in Special C.C.No.04/2016/CNR No.TNED04000272016 dated 15.02.2022 and enlarge the petitioner on Bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.R.Rajarajan

For Respondent : Mr.E.Raj Thilak
Addl.Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the the learned Chief Judicial Magistrate/Special Judge, Erode District in Special C.C.No.04/2016/CNR No.TNED04000272016 dated 15.02.2022 and enlarge the petitioner on Bail, pending disposal of the Criminal Appeal.

2.In and by the judgment of the trial court, petitioner/accused was convicted for the offence under Section 120 B IPC and sentenced to undergo three months rigorous imprisonment and also convicted for the offence punishable under Section 7 of Prevention of Corruption Act and sentenced him to undergo rigorous imprisonment for one year with a fine of Rs.5,000/- and also convicted the petitioner for the offences under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and sentenced him to undergo two years rigorous imprisonment with a fine of Rs.5,000/- and against which the present appeal has been filed.

3. Learned counsel for the petitioner submits that the complainant in this case was not examined since he died. Learned counsel also submits that the petitioner is charged for the offence punishable under Section 120-B IPC, but there



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is no evidence and none of the witnesses speak about the criminal conspiracy; the trial court failed to appreciate the fact that on the alleged dates of occurrence viz., 16.09.2014 to 18.09.2014 the appellant/petitioner was not in the office and went for other duties and that the prosecution clearly failed to establish the presence of the petitioner/appellant in the office from 16.09.2014 to 18.09.2014; appellant/petitioner was not responsible for maintaining the register and therefore, the conviction and sentence imposed on the appellant/petitioner is not sustainable.

4. Learned counsel also submits that fine amount has been paid and sentence was suspended till 21.03.2022 by the trial Court. He would further submit that there are arguable points available in the Criminal Appeal Case, and the Petitioner/accused has got a fair chance of succeeding in the Criminal Appeal Case.

5. Heard the learned Public Proscutor and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of



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the view that the petitioner has made out case for admission of this appeal and

grant of suspension of sentence, till the disposal of the Criminal appeal. The reliefs

of suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/accused shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a sum of Rs.25,000/- (Rupees Twenty five Thousand only), each for a like sum to the satisfaction of the Chief Judicial Magistrate/Special Judge, Erode within 15 days from the date of receipt of a copy of this order, failing which the bail granted by this court shall stand dismissed automatically and on further conditions that:
- ii. The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. The Criminal Miscellaneous Petition is ordered accordingly.

07.03.2022

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To

1. The Inspector of Police,
The Deputy Superintendent of Police,



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Vigilance and Anti-Corruption,
Erode V & AC Crime No.02/AC/2014.ER

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2. The Chief Judicial Magistrate/Special Judge, Erode District.
3. The Public Prosecutor (Crl side),
High Court, Madras.



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G.CHANDRASEKHARAN.,J

sr

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