



Crl.M.P.No.3217 of 2022 in Crl.A.No.267 of 2022

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G. CHANDRASEKHARAN, J.

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the the learned Special Judge/Chief Judicial Magistrate, Kancheepuram District at Chengalpattu in Spl.C.No.05/2010 dated 04.03.2022 and enlarge the petitioner on Bail.

2.In and by the judgment of the trial court, petitioner/accused was convicted for the offence under Section under Section 7 of Prevention of Corruption Act and sentenced him to undergo rigorous imprisonment for four years with a fine of Rs.1,000/- in default, to undergo three months simple imprisonment 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 five years rigorous imprisonment with a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment and both the sentences were ordered to run concurrently and against which the present appeal has been filed.

3. Learned counsel for the petitioner/appellant submits that there are serious contradictions as to the date of the complaint, whether it was 13.03.2009 or 14.03.2009. It is also submitted by the learned counsel for the petitioner that P.W.2 alleged that he gave a complaint consisting of two pages, wherein, the complaint runs



into four pages and it creates suspicion and therefore, the conviction imposed on the appellant/petitioner is not sustainable. He further submitted that the specific charge against the petitioner/appellant is that he is said to have received money from PW2 at the instance of A1. He also submitted that the first accused Junior Engineer was already granted bail by this Court in Crl.M.P.No.3067 of 2022 in Crl.A.No.247 of 2022 dated 09.03.2022.

4. Learned counsel also submits that fine amount has been paid. The petitioner was in custody from 14.03.2009 to 18.03.2009 and again from the date of judgment of the trial court i.e., 04.03.2022, the petitioner is in custody. 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 Prosecutor 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 the view that the petitioner has made out case for grant of suspension of sentence. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence of imprisonment and bail are granted, on the following conditions :-



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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 Special Judge/Chief Judicial Magistrate, Kancheepuram District at Chengalpattu 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.

sli

14.03.2022
(2/2)

Note: Issue order copy on 14.03.2022

To:

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Chennai City-IV, Nandanam,
Chennai – 35.
2. The Special Judge/Chief Judicial Magistrate,
Kancheepuram District,
Chengalpattu.
3. The Public Prosecutor (Crl side),
High Court, Madras.



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