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*Crl.MP.No.10938 of 2022 in
Crl.A.No.821 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.10938 of 2022

in

Crl.A.No.821 of 2022

L.Prabhakaran

... Petitioner/1st Accused

.Vs.

The State Rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Uthagamandalam.
(Crime No.1 of 2016)

... Respondent/Complainant

PRAYER : This Petition filed under Section 374 of Cr.P.C., to suspend the substantial sentence of imprisonment imposed in Spl.C.C.No.1 of 2018 by the learned Assistant Sessions Judge cum Special Judge for the case under the prevention of Corruption Act, Uthagamandalam on 18.07.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.S.Udaya Kumar



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Government Advocate (Crl.Side)

ORDER

This Petition has been filed by Accused No.1, in Spl.S.C.No.01/2018, to suspend the sentence, ordered by the learned Assistant Sessions Judge cum Special Judge for the case under the prevention of Corruption Act, Uthagamandalam on 18.07.2022 and enlarge him on bail pending disposal of the above Criminal Appeal.

2.The case of the prosecution is that the defacto complainant applied for loan from TAHDCO and in that regard when he had approached the Petitioner herein/A1 and A2, who are the employees of TAHDCO, they had demanded Rs.10,000/- as bribe and therefore, he preferred a complaint before the respondent Police.

3. After investigation and full fledged trial, vide judgment dated 18.07.2022 made in Spl.S.C.No.1 of 2018, the learned Assistant Sessions Judge cum Special Judge for the case under the Prevention of Corruption Act, Uthagamandalam, has convicted the petitioner herein/A1 for the offence under Section 10 r/w 9 and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and accordingly, sentenced him as follows:

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Offence	Sentence
Section 10 r/w 9 of PC Act	to undergo rigorous imprisonment for one year and to pay a fine of Rs.2000/-, in default to undergo simple imprisonment for three months.
Section 13(2) r/w 13(1)(d) of PC Act	to undergo rigorous imprisonment for four years and to pay a fine of Rs.2000/-, in default to undergo simple imprisonment for three months.

4. Challenging the above conviction and sentence, the petitioner/A1 has preferred an appeal in Crl.A.No.821 of 2022 along with Criminal Miscellaneous Petition in Crl.M.P.No.10938 of 2022, seeking suspension of sentence.

5.The learned counsel for the Petitioner/A1 would submit that there are arguable points available in the Appeal and that the Petitioner herein have got a fair chance of succeeding the Appeal. He further submitted that the petitioner is in judicial custody from 18.07.2022. Therefore, he would pray that the substantive sentence imposed upon the Petitioner/A1 may be suspended, pending disposal of the appeal.

6.The learned Government Advocate (Crl.Side), has raised



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objections for suspending the sentence.

7.Considering the facts and circumstances of the case, submissions of the learned counsels on either side and also considering the fact that there are arguable points in appeal with regard to coming into existence of the complaint and also there is variation with regard to the alleged acceptance of bribe, I am inclined to suspend the substantive sentence of imprisonment alone on certain conditions.

8.Accordingly, till the disposal of the Criminal Appeal, the substantive sentence 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 separate 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 Assistant Sessions Judge cum Special Judge, Special Court for Prevention of Corruption Act cases, Uthagamandalam.



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- ii. The Petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

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Note: Issue order copy on 18.08.2022

To

1.The Assistant Sessions Judge/Special Judge,
Special Court for Prevention of Corruption Act cases,
Udhagamandalam.

2. The Superintendent of Prisons,
Central Prison, Coimbatore.

3.The Public Prosecutor,
High Court,
Chennai 104.



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RMT.TEEKAA RAMAN,J.,

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Dated. 18.08.2022

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