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Crl.M.P.No.16020 of 20226

Crl.M.P.No.16020 of 2022
in
Crl.A.No.1139 of 2022

A.D.JAGADISH CHANDIRA, J.,

This Criminal Miscellaneous Petition has been filed by the petitioners/appellants, seeking suspension of sentence of imprisonment, imposed by the Special Court for the cases under Prevention of Corruption Act), Chennai vide judgment in C.C.No.9 of 2012 dated 30.09.2022 and to enlarge the petitioners/appellants on bail.

2. The conviction and sentence imposed against the petitioners/appellants is as follows:-

<i>Accused</i>	<i>Under Section</i>	<i>Sentence</i>
1	13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988	three years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three months simple imprisonment.
3	109 IPC r/w Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act	one year of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three months simple imprisonment.



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3. The learned counsel for the petitioners/appellants would submit that the learned trial Court had acquitted A2 and erroneously convicted A1 and A3. He would also submit that 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 petitioners/appellants, have got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioners /appellants, may be suspended and they may be enlarged on bail. He would further submit that the trial Court has suspended the sentence till 28.10.2022.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that during the course of prosecution it was found that there are totally 29 properties and two were found to be beyond the proportionate income and therefore, the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioners/appellants guilty convicted him as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.



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5. Heard the learned counsel for the petitioners/appellants and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners/appellants, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioners/appellants shall execute a separate bonds each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Special Court for the cases under Prevention of Corruption Act), Chennai
- ii. The petitioners/appellants shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



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WEB COPY 7. The Criminal Miscellaneous Petition is ordered accordingly.

27.10.2022
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Note :Issue order copy on 27.10.2022

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