



Crl.M.P.No.17841 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.17841 of 2022

in

Crl.A.No.1199 of 2022

V.Radha

... Petitioner/Appellant

Vs.

The State represented by,
The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
Chennai - 600 028.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence passed against the petitioner/appellant by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai in his judgment dated 14.11.2022 passed in C.C.No.10 of 2012 and enlarge the petitioner on bail pending disposal of the criminal appeal.



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For Petitioner : Mr.Arun Anbumani
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai, vide judgment in C.C.No.10 of 2012 dated 14.11.2022.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act	one year of rigorous imprisonment with a fine of Rs.1,000/- in default to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act	two years of rigorous imprisonment with a fine of Rs.1,000/- in default to undergo three months simple imprisonment.



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3. According to the learned counsel for the petitioner/appellant, 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/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the trial Court has suspended the sentence till 15.12.2022.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty convicted her as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.

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



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6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/appellant, 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 petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai;
- ii. The petitioner/appellant 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.

29.11.2022

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To

1. The Special Judge,
Special Court for the cases under Prevention of Corruption Act,
Chennai.
2. The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,.
Chennai - 600 028.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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