



WEB COPY



*Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023*

**Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023**

T.V.THAMILSELVI, J.

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Special Judge for the Trial of cases under the Prevention of Corruption Act, 1988 vide judgment in Spl.C.C.No.115 of 2014 dated 15.12.2022.

2. In and by the judgment of the Trial Court, the petitioner/ appellant was convicted for the offence under section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and was sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/- as fine, in default to undergo one month Simple Imprisonment, as against which, the present criminal appeal has been filed.

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



*Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023*

WEB COPY

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 13.01.2023.

4. The learned Additional Public Prosecutor 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 him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgement and the materials on record.



*Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023*

WEB COPY

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.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge for the Trial of cases under the Prevention of Corruption Act, 1988, at Salem;
- 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. With the above directions, the Criminal Miscellaneous Petition is ordered accordingly.

drl

12.01.2023
(2/2)



*Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023*

WEB COPY **To**

1. The Special Judge for the Trial of cases
under the Prevention of Corruption Act,
Salem.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
3. The Additional Public Prosecutor,
High Court, Madras.



WEB COPY



*Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023*

T.V.THAMILSELVI, J.

drl

**Crl.M.P.No.191 of 2023 in
Crl.A.No.18 of 2023**

**12.01.2023
(2/2)**