



WEB COPY



*Crl.M.P.No.266 of 2023 in
Crl.A.No.24 of 2023*

**Crl.M.P.No.266 of 2023 in
Crl.A.No.24 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 Chief Judicial Magistrate Court / Special Judge, Erode, Erode District vide judgment in Spl.C.C.No.14 of 2015 dated 19.12.2022.

2. In and by the judgment of the Trial Court, the petitioner/ appellant was convicted for the offence under section 7 and 13(2) r/w 13(1)(d) Prevention of Corruption Act, 1988 and sentenced to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- as fine, in default to undergo one month for the offence under Section 7 of Prevention of Corruption Act and sentenced to undergo Rigorous imprisonment for a period of 3 years and to pay a fine Rs.5,000/- in default simple imprisonment for one month for the offence under Section



*Crl.M.P.No.266 of 2023 in
Crl.A.No.24 of 2023*

13(2) r/w 13(1)(d) or Prevention of Corruption Act, against which, the present appeal has been filed.

3. The learned counsel for the petitioner/appellant submitted that there are arguable points in this Criminal Appeal. He further submits that the petitioner was suffered with the disease cancer and was aged about 72 years. He further submitted that already, the petitioner paid the fine amount and hence, prayed for suspension of sentence.

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 judgment and the materials on record.



*Crl.M.P.No.266 of 2023 in
Crl.A.No.24 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 Chief Judicial Magistrate Court/Special Judge, Erode;
- 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.266 of 2023 in
Crl.A.No.24 of 2023*

WEB COPY **To**

1. The Chief Judicial Magistrate Court/
Special Judge, Erode.
2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Erode District.
3. The Additional Public Prosecutor,
High Court, Madras.



WEB COPY



*Crl.M.P.No.266 of 2023 in
Crl.A.No.24 of 2023*

T.V.THAMILSELVI, J.

drl

**Crl.M.P.No.266 of 2023 in
Crl.A.No.24 of 2023**

**12.01.2023
(2/2)**