



Crl.M.P.No.2298 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

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THE HON'BLE MR. JUSTICE T.V.THAMILSELVI

Crl.M.P.No.2298 of 2023

in

Crl.A.No.156 of 2023

A.Maruthachalam

... Petitioner/Appellant

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore.
(Crime No.18 of 2003)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the substantial sentence of imprisonment imposed in Special C.C.No.40 of 2011 by the learned Special Judge for trial of cases under Prevention of Corruption Act, Coimbatore, on 06.02.2023 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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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, Coimbatore, vide judgment in Spl.C.C.No.40 of 2011 dated 06.02.2023.

2. In and by the judgment of the Trial Court, the conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988	three years of rigorous imprisonment with a fine of Rs.50,000/- in default to undergo six months simple imprisonment

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



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further submitted that the trial Court has suspended the sentence till 20.02.2023.

4. Mr.A.Gokulakrishnan, 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 materials on record.

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 :-



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- 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, Special Court for the cases under Prevention of Corruption Act, Coimbatore;
- 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.

16.02.2023

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To

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



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T.V.THAMILSELVI, J.

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