



Crl.M.P.No.2659 of 2023
Crl.A.No.175 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM:

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

Crl.M.P.No.2659 of 2023
Crl.A.No.175 of 2023

Kandasamy

... Petitioner/Appellant

Vs.

State by
The Inspector of Police,
Central Bureau of Investigation,
(Anti Corruption Branch/ Chennai)
RC MA 1/2017 A0008 of CBI ABCB,
Chennai.

... Respondent/Respondent

PRAYER: Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C., praying to suspend the sentence imposed on the petitioner in C.C.No.3 of 2019 passed by the learned II Additional District Judge (CBI Cases), Coimbatore by the judgment dated 27.01.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.B.Kumarasamy
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.3 of 2019, on the file II Additional District Judge (CBI Cases), Coimbatore vide judgement dated 27.01.2023, pending disposal of the Criminal Appeal.

2. The learned II Additional District Judge (CBI Cases), Coimbatore, vide judgment dated 27.01.2023 passed in C.C.No.3/2019, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
120(B) read with 420, 409, 467, 468 of IPC and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988	3 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 month simple imprisonment. (Total fine imposed against A2 is Rs.40,000/-, Rs.10,000/- X 4 = Rs.40,000/-)

The above sentences and were ordered to run concurrently. Challenging the above conviction and sentence, the petitioner preferred an Appeal in Crl.A.No.175/2023.



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3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that already, the petitioner paid the fine amount and hence, prayed for suspension of sentence.

5. Heard the learned Special Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the facts and circumstances of the case, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.25,000/- (Rupees*



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twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional District Judge (CBI Cases), Coimbatore.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required for interrogation.

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To

1. The II Additional District Judge (CBI Cases), Coimbatore.

2. The Inspector of Police,
Central Bureau of Investigation,
(Anti Corruption Branch/ Chennai)
RC MA 1/2017 A0008 of CBI ABCB,
Chennai.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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