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Crl.M.P.No.2814 of 2023
Crl.A.No.187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM:

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

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Crl.A.No.187 of 2023

1.Smt.S.Vijayakumari
2.Shri.A.Devaraj

... Petitioners/Appellants

Vs.

State rep.by
Inspector of Police,
CBI/SPE/ACB,
Chennai.

(Crime No.R.C.No.47(A)/2011) ... 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 petitioners in C.C.No.44 of 2013 passed by the learned XII Additional Special Judge, CBI Cases, Chennai by the judgment dated 31.01.2023 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioners : Mr.A.Natarajan, Senior Counsel
for M/s.A.Madhumathi

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 petitioners by the Trial Court in C.C.No.44 of 2013, on the file XII Additional Special Judge, CBI Cases, Chennai vide judgement dated 31.01.2023, pending disposal of the Criminal Appeal.

2. The learned XII Additional Special Judge, CBI Cases, Chennai, vide judgment dated 31.01.2023 passed in C.C.No.44/2013, convicted and sentenced the petitioners, as extracted hereunder.

Accused	Conviction under Section	Sentence
<u>Petitioners</u>	The petitioners are convicted u/s 248(2) of Cr.P.C for the offences u/s 120(B) IPC r/w 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988.	Each of the accused sentenced to undergo Rigorous Imprisonment for four years and to pay a fine of Rs.1,00,000/- in default to undergo S.I. for six months by each of the accused. (Total fine Rs.2,00,000/-). Each of the accused sentenced to undergo Rigorous Imprisonment for four years and to pay a fine of Rs.2,00,000/- in default to undergo S.I. for one year by each of the accused. (Total fine Rs.4,00,000/-). All the sentences imposed on A1 and A2 shall



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Accused	Conviction under Section	Sentence
	Further, the petitioners are convicted for the offences u/s 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988.	run concurrently with each other. Total fine imposed on A1 and A2 (Rs.2,00,000/- + Rs.4,00,000/- = Rs.6,00,000/-)

The above sentences and were ordered to run concurrently.
Challenging the above conviction and sentence, the petitioners preferred an Appeal in Crl.A.No.187/2023.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.

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



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

6. Considering the facts and circumstances of the case and the petitioners are working in the Government, there is no possibility of abscondence, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are 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 petitioners are directed to be enlarged on bail on condition that the petitioners ***shall execute a separate 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 XII Additional Special Judge, CBI***



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(ii) The petitioners 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 petitioners shall appear before the Trial Court on once in two months, preferably (1st working day) of every English calender month at 10.30 a.m., for a period of six months.

gbi

02.03.2023
(2/2)

Note: Issue order copy on 02.03.2023.

To

1. The XII Additional Special Judge, CBI Cases, Chennai
2. Inspector of Police,
CBI/SPE/ACB,
Chennai.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison, Puzhal, Chennai.



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T.V.THAMILSELVI, J.

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