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Crl.M.P.No.3126 of 2023
Crl.A.No.220 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM:

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

Crl.M.P.No.3126 of 2023
Crl.A.No.220 of 2023

G.Muniyammal

... Petitioner/Appellant

Vs.

State rep.by
Inspector of Police,
Vigilance and Anti Corruption,
Vellore District.
(Crime No.11/2010)

... 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 Spl Case No.02 of 2013 passed by the learned Chief Judicial Magistrate, Thiruvannamalai, by the judgment dated 07.02.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.L.Mahandran

For Respondent : Mr.A.Gokulakrishnan
Additional 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 Spl Case No.02 of 2013, on the file the learned Chief Judicial Magistrate, Thiruvannamalai vide judgement dated 07.02.2023, pending disposal of the Criminal Appeal.

2. The learned Chief Judicial Magistrate, Thiruvannamalai, vide judgment dated 07.02.2023 passed in Spl.Case No.02 of 2013, convicted and sentenced the petitioner, as extracted hereunder.

Accused	Conviction under Section	Sentence
<u>Petitioner</u>	The petitioner is convicted u/s 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988. Under Section 248(2) of Cr.P.C.	The Accused found guilty of offences under Section 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988, convicted under Section 248(2) Cr.P.C sentenced to undergo one year Rigorous Imprisonment for offence under Section 7 of Prevention of Corruption Act 1988 and imposed fine of Rs.5000/- in default three months simple Imprisonment and sentenced to undergo One year Rigorous Imprisonment for offence under Section 13(2) read with 13(1)(d) of prevention of Corruption Act 1988 and imposed fine of Rs.5000/- in default 3 months simple imprisonment.



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Accused	Conviction under Section	Sentence
		The period of custody already undergone is order to set off under section 428 Cr.P.C. The sentences will order to run concurrently. Further it is order to return tainted money MO.3 Rs.2,000/- to the defacto complainant after appeal period/appeal is over. The MO.1 and MO.2 are order to destroy after appeal period / appeal is over. Total fine amount Rs.10,000/-

The above sentences and were ordered to run concurrently.
Challenging the above conviction and sentence, the petitioner preferred an Appeal in Crl.A.No.220/2023.

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 hence, prayed for suspension of sentence.



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5. Heard the learned Additional 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 petitioner is aged about 67 years, there is no possibility of abscondence, 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.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Thiruvannamalai.***

(ii) The petitioner and the sureties shall affix their



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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 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.

jai

02.03.2023
(2/2)

Note: Issue order copy on 03.03.2023.

To

1. The learned Chief Judicial Magistrate, Thiruvannamalai.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Vellore District.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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