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Crl.M.P.No.3214 of 2023
Crl.A.No.229 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.3214 of 2023
Crl.A.No.229 of 2023

C.M.Balagopal

... Petitioner/Appellant

Vs.

State rep.by

The Deputy Superintendent of Police,
Commercial Crime Investigation Wing -CID,
Chennai.

(Crime No.1/CCIW-CID/1998/HQ)

... 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.91 of 2011 on the file of the learned Special Court for the Cases Under Prevention of Corruption Act, Chennai in Old C.C.No.1 of 2000 on the file of the learned IV Additional Special Judge, City Civil Court, Chennai by the judgment dated 18.02.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.A.Nagarajan

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 C.C.No.91 of 2011, on the file the the learned Special Court for the Cases Under Prevention of Corruption Act, Chennai in Old C.C.No.1 of 2000 on the file of the learned IV Additional Special Judge, City Civil Court, Chennai vide judgement dated 18.02.2023, pending disposal of the Criminal Appeal.

2. The learned Special Court for the Cases Under Prevention of Corruption Act, Chennai in Old C.C.No.1 of 2000 on the file of the learned IV Additional Special Judge, City Civil Court, Chennai dated 18.02.2023 passed in C.C. No.91 of 2011, convicted and sentenced the petitioner, as extracted hereunder.

Accused	Conviction under Section	Sentence
<u>Petitioner</u>	The petitioner is convicted U/s.120(B),	2 years rigorous imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo three month simple imprisonment.



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Accused	Conviction under Section	Sentence
	409 IPC, r/w.109(2 counts) and U/s. 13(2) r/w. 13(1) (d) of Prevention of Corruption Act, 1988. r/w. 109 IPC.	Total fine imposed against this petitioner is Rs.20,000/-

The above sentences and were ordered to run concurrently.
Challenging the above conviction and sentence, the petitioner preferred an Appeal in Crl.A.No.229 /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 68 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 Special Court for the cases under the Prevention of Corruption Act, Chennai.***



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(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 on monthly once i.e. 1st working day of every month at 10.30 a.m., for a period of six months.

jai

02.03.2023
(2/2)

To

1. The learned Special Judge,
Special Court for the cases under
the Prevention of Corruption Act,
Chennai.
2. The Deputy Superintendent of Police,
Commercial Crime Investigation Wing -CID,
Chennai.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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