



Crl.M.P.No.3423 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.3423 of 2023
in Crl.A.No.252 of 2023

D.Gopinath

... Petitioner/Appellant

Vs.

The State Represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruvannamalai.

(Crime No.8 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence till the disposal of the appeal by enlarging the petitioner on bail connection in Special Case No.05 of 2019 on the file of the learned Special Court and Chief Judicial Magistrate, Tiruvannamalai.

For Petitioner : Mr.P.Ezhil Nilavan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



Crl.M.P.No.3423 of 2023

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Special Judge and Chief Judicial Magistrate, Tiruvannamalai, vide judgment in Special Case No.05 of 2019 dated 23.02.2023.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act	one year of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act	one year of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three 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



Crl.M.P.No.3423 of 2023

be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the trial Court, while convicting the petitioner, has suspended the sentence till 22.03.2023.

4. Learned Government Advocate (Crl.Side) 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 oppose for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) 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,



Crl.M.P.No.3423 of 2023

on the following conditions :-

- i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Court for Prevention of Corruption Act Cases, Chennai;
- 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. The Criminal Miscellaneous Petition is ordered accordingly.

13.03.2023

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Crl.M.P.No.3423 of 2023

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To

1. The Special Judge,
Special Court for Prevention of Corruption Act Cases,
Chennai.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruvannamalai.
3. The Public Prosecutor,
High Court of Madras.



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Crl.M.P.No.3423 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.M.P.No.3423 of 2023

in

Crl.A.No.252 of 2023

13.03.2023

2/2