



Crl.M.P.Nos.3977 & 3979 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

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

Crl.M.P.Nos.3977 & 3979 of 2023
in Crl.A.Nos.286 & 288 of 2023

V.P.Haran

... Petitioner/appellants in Crl.M.P.No.3977 of 2023

1. K.Sai Jagannathan

2. S.P.Vairavan

...Petitioners/appellants in Crl.M.P.No.3979 of 2023

Vs.

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

... Respondent in both Crl.M.P's.

PRAYER in Crl.M.P.No.3977 of 2023: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence imposed upon the petitioner by the trial Court under its Judgment dated 18.02.2023 passed in C.C.No.91 of 2011 by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai – 600 104, pending disposal of the above criminal appeal and enlarge the petitioner on bail.



Crl.M.P.Nos.3977 & 3979 of 2023

PRAYER in Crl.M.P.No.3979 of 2023: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence imposed upon the petitioners by the trial Court under its Judgment dated 18.02.2023 passed in C.C.No.91 of 2011 by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai – 600 104, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

In Both Crl.M.P's.,

For Petitioners : Mr.N.Ramakrishnan
for M/s.ARK Law Associates
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners/appellants, seeking suspension of sentence, imposed by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai, vide judgment in C.C.No.91 of 2011 dated 18.02.2023.

2. The conviction and sentence imposed against the



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petitioners/appellants are as follows:-

<i>Under Sections</i>	<i>Sentence</i>
120(B) of IPC	three years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo one month simple imprisonment.
409 IPC r/w 109 IPC	three years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo two months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act r/w 109 IPC	three years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo two months simple imprisonment.

3. According to the learned counsel for the petitioners/appellants, 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 petitioners/appellants have got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioners/appellants may be suspended and the petitioners/appellants may be enlarged with bail. He further submitted that the trial Court, while convicting the petitioners, have suspended the sentence till 20.03.2023.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond



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reasonable doubts and the trial Court on finding the petitioners/appellants guilty, convicted them as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.

5. Heard the learned counsel for the petitioners/appellants 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 petitioners/appellants, 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 is granted, on the following conditions :-

- i. The petitioners/appellants shall execute a separate 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 the Cases under Prevention of Corruption Act, Chennai;



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- ii. The petitioners/appellants shall appear before the Trial Court, on the first working day of every alternate English Calendar month, at 10.30 a.m., starting from April 2023, until further orders.

7. These Criminal Miscellaneous Petitions are ordered accordingly.

20.03.2023

ham/jas

To

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



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A.D.JAGADISH CHANDIRA, J.

ham/jas

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