



Crl.M.P.No.4263 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

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

Crl.M.P.No.4263 of 2023
in Crl.A.No.313 of 2023

S.Nagarajan

... Petitioner/Appellant

Vs.

The State Represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the imprisonment in the judgment dated 27.02.2023 in Spl.C.C.No.02 of 2013, on the file of the learned Chief Judicial Magistrate / Special Judge at Dharmapuri and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Court.

For Petitioner : Mr.A.Thiyagarajan

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



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Special Judge / Chief Judicial Magistrate, Dharmapuri, vide judgment in Spl.C.C.No.02 of 2013 dated 27.02.2023.

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, 1988	two years of rigorous imprisonment with a fine of Rs.25,000/- in default to undergo six months rigorous imprisonment.
13(1)(d) r/w 13(2) of Prevention of Corruption Act	two years of rigorous imprisonment with a fine of Rs.25,000/- in default to undergo six months rigorous 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



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sentence imposed against the petitioner/appellant may 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 27.03.2023.

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 opposed 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



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disposal of the Criminal Appeal, suspension of sentence is granted, 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 Chief Judicial Magistrate, Dharmapuri;
- 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. Accordingly, the Criminal Miscellaneous Petition stands ordered.

29.03.2023

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Note : Issue order copy on 30.03.2023



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To

1. The Chief Judicial Magistrate,
Dharmapuri.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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