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Crl.M.P.No.4355 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

Crl.M.P.No.4355 of 2023
in Crl.A.No.327 of 2023

R.Vibhusan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Vigilance and Anti-Corruption
Chennai City-IV
Nanthanam, Chennai- 600 035
(Crime No.03/AC/2010/CC-III)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence passed in Spl.C.C.No.08 of 2012, dated 16.03.2023 by the learned Chief Judicial Magistrate/Special Court, Thiruvallur.

For Petitioner : Mr.R.Vivekananthan

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

ORDER

The Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Chief Judicial Magistrate/Special Court, Thiruvallur, in Spl.C.C.No.08 of 2012, dated 16.03.2023.



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

<i>Under Sections</i>	<i>Sentence</i>
7 of Prevention of Corruption Act, 1988	Four years of rigorous imprisonment and to pay fine of Rs.20,000/- in default to undergo simple imprisonment for 3 months
13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988	Four years of rigorous imprisonment and to pay fine of Rs.20,000/- in default to undergo simple imprisonment for 3 months

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 be suspended and the petitioner/appellant may be enlarged with bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved its case beyond all reasonable doubts and the trial Court having being convinced with the evidence let in by the prosecution, found the petitioner/appellant guilty and convicted him as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.



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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 is granted, on the following conditions :-

- i. The petitioner/appellant shall execute a 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, Thiruvallur**;
 - 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., starting from May 2023, until further orders.
7. This Criminal Miscellaneous Petition is ordered accordingly.

20.04.2023

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Note: Issue Order Copy on 20.04.2023



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A.D.JAGADISH CHANDIRA, J.

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To

1. The Chief Judicial Magistrate, Thiruvallur.
2. The Superintendent
Puzhal, Chennai.
3. The Inspector of Police
Vigilance and Anti-Corruption
Chennai City-IV
Nanthanam, Chennai- 600 035
4. The Public Prosecutor,
High Court of Madras.

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