



Crl.M.P.No.4791 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.M.P.No.4791 of 2023
in Crl.A.No.370 of 2023

N.Ramesh

... Petitioner

Vs.

The State
Rep. by the Inspector of Police
Vigilance & Anti Corruption
Chennai-II Detachment
Nandanam, Chennai – 35

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner in the Judgment in C.C.No.2 of 2016 dated 23.03.2023 by the Special Court for trial of cases under Prevention of Corruption Act, Chennai and grant bail to him, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.A.Sam Arul Prasath

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



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ORDER

The Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the Special Court for trial of cases under Prevention of Corruption Act, Chennai, in C.C.No.2 of 2016 dated 23.03.2023.

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	three years of rigorous imprisonment and to pay fine of Rs.1,000/- in default to undergo simple imprisonment for 3 months
13(2) r/w 13(1)(d) of Prevention of Corruption Act	four years of rigorous imprisonment and to pay fine of Rs.1,000/- 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



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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.

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 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 Special Court for trial of cases under Prevention of Corruption Act, 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., starting from May 2023, until further orders.

7. This Criminal Miscellaneous Petition is ordered accordingly.

17.04.2023

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Note: Issue Order Copy on 17.04.2023



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To

1. The Special Court for trial of cases under
Prevention of Corruption Act, Chennai
2. The Superintendent
Central Prison, Puzhal, Chennai
3. The Inspector of Police
Vigilance & Anti Corruption
Chennai-II Detachment
Nandanam, Chennai – 35
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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17.04.2023

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