



Crl.M.P.No.5853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

Crl.M.P.No.5505 of 2023
in Crl.A.No.438 of 2023

V. Manokaran

... Petitioner/first accused

Vs.

State Represented by,
The Inspector of Police,
Chennai City-II,
Vigilance and Anti Corruption
Chennai

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence of imprisonment imposed by the learned Trial Judge by its Judgment dated 31.03.2023 in C.C.No. 7 of 2013 on the file of the Special Court for the cases under Prevention of corruption Act at Chennai pending disposal of the above criminal appeal.

For Petitioner : Mr. V. KrishnaKumar

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 Trial Judge by its Judgment dated 31.03.2023 in C.C.No. 7 of 2013 on the file of the Special Court for the cases under Prevention of corruption Act at Chennai pending disposal of the above criminal appeal.

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

<i>Under Section</i>	<i>Sentence</i>
Section 7 of Prevention of Corruption Act, 1988	One year Rigorous imprisonment and to pay a fine of Rs.1,000/- in default to pay the fine amount to undergo simple imprisonment for 3 months
Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.	Two years rigorous imprisonment and to pay a sum of Rs.1,000/- as fine in default of payment of fine to undergo simple imprisonment for a period of 3 months.

3. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not



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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. He further submitted that the trial Court, while convicting the petitioner, has suspended the sentence till 30.04.2023.

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



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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, 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 at 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.

25.04.2023

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Note: The Registry is directed to issue order copy on 26.04.2023



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To

1. The Special Court for the cases under Prevention of corruption Act at Chennai
2. The Inspector of Police,
Chennai City-II,
Vigilance and Anti Corruption
Chennai
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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