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Crl.M.P.No.5436 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

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

Crl.M.P.No.5436 of 2023

in

Crl.A.No.430 of 2023

S.Nagarajan

... Petitioner

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Vigilance and Anti-Corruption Department,
Coimbatore Division.

... Respondent

Prayer:

Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure, to suspend the sentence dated 31.03.2023 imposed on the petitioner by the learned Special Court to deal with cases under Prevention of Corruption Act cum Chief Judicial Magistrate, Tiruppur and further enlarge him on bail on such terms and conditions that may be imposed on him.

For Petitioner : Mr.J.Hariharan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Criminal 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, Special Court to deal with cases under Prevention of Corruption Act cum Chief Judicial Magistrate Court, Tiruppur, vide judgment in Special C.C.No.2 of 2019 dated 31.03.2023.

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	One year of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo six months simple imprisonment.
13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988	Two years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo six months simple 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 sentence



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imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the trial Court has suspended the sentence for a period of 30 days vide order dated 31.03.2023 in Crl.M.P.No.3789 of 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 petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended



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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, Tiruppur;

ii. The petitioner/appellant 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. This Criminal Miscellaneous Petition is ordered accordingly.

19.04.2023
(2/2)

mfa

Index:Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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- To**
1. The Special Judge,
Special Court to deal with cases under Prevention of Corruption Act
cum Chief Judicial Magistrate Court, Tiruppur.
 2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.,

mfa

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