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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.5853 of 2023**  
**in Crl.A.No.470 of 2023**

A. Subramanian

... Petitioner/first accused

Vs.

State Represented by,  
The Inspector of Police,  
Vigilance and Anti-Corruption,  
Coimbatore.  
(Crime No.12 of 2008)

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the substantial sentence of imprisonment imposed in Spl.C.C.No.51 of 2011 by the Learned Special Judge for trial of cases under the Prevention of Corruption Act, Coimbatore on 11.04.2023 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : M/s. C.S. Dhanasekaran

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 for trial of cases under Prevention of Corruption Act, Coimbatore in Spl.C.C.No.51 of 201, dated 11.04.2023.

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

| <i><b>Under Section</b></i>                                       | <i><b>Sentence</b></i>                                                                                                                                      |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 7 of Prevention of Corruption Act, 1988                   | Two rigorous imprisonment and to pay a sum of Rs.5,000/- as fine and in default of payment of fine to undergo simple imprisonment for a period of 3 months. |
| Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. | Two rigorous imprisonment and to pay a sum of Rs.5,000/- 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 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



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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 11.05.2023.

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 on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted,



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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 Judge/Special Court for the Trial of cases under the Prevention of Corruption Act, Coimbatore.
- 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 Judge and Chief Judicial Magistrate, Tiruvannamalai,
2. The Inspector of Police,  
Vigilance and Anti-Corruption,  
Coimbatore.
3. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

smn

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