



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.6.2023

CORAM

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

CrI.M.P.No.8350 of 2023
in CrI.A.No.644 of 2023

J.Sampath

... Petitioner/Appellant

Vs.

State Represented by,
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
SIC, Chennai-28.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence till the disposal of the appeal by enlarging the petitioner on bail connected in Special Case No.14 of 2012 on the file of the Special Judge cum Chief Judicial Magistrate at Chengalpet.

For Petitioner : Mr.P.Ezhil Nilavan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, till the disposal of the



appeal by enlarging the petitioner on bail connected in Special Case No.14 of 2012 on the file of the Special Judge cum Chief Judicial Magistrate at Chengalpet.

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

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act	Three years of simple imprisonment with a fine of Rs.20,000/- in default to undergo six months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act	Three years of simple imprisonment with a fine of Rs.20,000/- 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 imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He would further submit that the petitioner has been granted bail by the court below **till 26.6.2023**.



WEB COPY

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 opposed 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 of imprisonment 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),



WEB COPY



with two sureties, each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate at Chengalpet;

- 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.

22.06.2023

ssk.

NOTE TO OFFICE:-

**Issue copy of this order
by today itself.**



WEB COPY

To

1. Special Judge cum
Chief Judicial Magistrate.
Chengalpet.
2. Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
SIC, Chennai-28.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



6

A.D.JAGADISH CHANDIRA, J.

ssk.

Crl.M.P.No.8350 of 2023
in Crl.A.No.644 of 2023

22.6.2023.

2/2