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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.6.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA****Crl.M.P.No.8361 of 2023**
in Crl.A.No.645 of 2023

R.Karuppaiah

... Petitioner/Appellant

Vs.

State Represented by,
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tirupur.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., pleaded to suspend the execution of the sentence dated 29.5.2023 passed by the Assistant Sessions Judge and Special Judge for trial of Cases under Prevention of Corruption Act, Tirupur in Spl.C.C.No.04 of 2015 pending disposal of the appeal

For Petitioner : Mr.V.N.Krishnamoorthy

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



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This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Assistant Sessions Judge and Special Judge for trial of Cases under Prevention of Corruption Act, Tirupur in Spl.C.C.No.04 of 2015 pending disposal of the appeal.

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	one year of rigorous imprisonment with a fine of Rs.3,000/- in default to undergo six months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act	two year of rigorous imprisonment with a fine of Rs.3,000/- 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.



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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),



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with two sureties, each for a like sum to the satisfaction of the learned Assistant Sessions Judge and Special Judge for trial of Cases under Prevention of Corruption Act, Tirupur;

- 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.

21.06.2023

ssk.



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To

1. Assistant Sessions Judge and
Special Judge for trial of Cases
under Prevention of Corruption Act,
Tirupur.
2. Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tirupur.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

ssk.

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in Crl.A.No.645 of 2023

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