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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA****Crl.M.P.No.8962 of 2023**
in Crl.A.No.681 of 2023

Tr.R.Thavamani

... Petitioner/Appellant

Vs.

State Represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Cuddalore, V & AC Crime No.04/2016.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 374(2) of Cr.P.C., pleaded to suspend the sentence in Special Case No.8 of 2018 passed by the Special Court for Prevention of Corruption Act Cases, Villupuram, Villupuram District dated 30.05.2023 pending disposal of the appeal and enlarge the petitioner on bail.

For Petitioner : Mr.A.B.Ashok

For Respondent : Mr. N.S.Suganthan
Government Advocate (Crl.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.8 of 2018 on the file of the Special Court for Prevention of Corruption Act Cases, Villupuram, Villupuram District.

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.5,000/- in default to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act	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 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 29.6.2023**.



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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.10,000/- (Rupees Ten Thousand only),



with two sureties, each for a like sum to the satisfaction of the learned Special Court for Prevention of Corruption Act Cases, Villupuram, Villupuram District.

- 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.

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To

1. The Special Court for Prevention of
Corruption Act Cases, Villupuram,
Villupuram District.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Cuddalore, V & AC
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

drl.

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in Crl.A.No.681 of 2023

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