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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA****CrI.M.P.No.9068 of 2023**
in CrI.A.No.687 of 2023

Josva Rajasekhar Sinha @

Vallang Rajasekhar Sinha

... Petitioner/Appellant

Vs.

State Represented by,
The Deputy Superintendent of Police,
CBCID, Kancheepuram
Crime No.10 of 2007.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 374(2) of Cr.P.C., pleaded to suspend the sentence imposed on the petitioner in Special Case No.2 of 2009 on the file of the learned Special Judge and Chief Judicial Magistrate, Chengalpattu, judgment dated 31.05.2023 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.A.Nagarajan

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.2 of 2009 on the file of the Special Judge and Chief Judicial Magistrate, Chengalpattu dated 31.05.2023.

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

<i>Under Section</i>	<i>Sentence</i>
420 of IPC	Three years of simple imprisonment with a fine of Rs.5,000/- in default to undergo six months simple imprisonment.
409 r/w 34 IPC	Three years of simple imprisonment with a fine of Rs.5,000/- in default to undergo six months simple imprisonment.
13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act	Three years of simple imprisonment with a fine of Rs.20,000/-each in default to undergo six months simple imprisonment.(Total fine of Rs.50,000)

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 01.7.2023**.

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 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 :-



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- 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 Judge and Chief Judicial Magistrate, Chengalpattu.
- 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.

28.06..2023

drl

Note:

Issue Order copy on 28.06.2023



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To

1. The Special Judge and
Chief Judicial Magistrate, Chengalpattu
2. The Deputy Superintendent of Police,
CBCID, Kancheepuram
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

drl.

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