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Crl.M.P.No.9286 of 2023
in
Crl.A.No.702 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.M.P.No.9286 of 2023

in

Crl.A.No.702 of 2023

R.Somanathan

.. Petitioner

/versus/

The Deputy Superintendent of Police,
CBCID,
Kanchipuram,
Cr.No.10 of 2007.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C., praying to suspend the sentence imposed in Special S.C.No.2 of 2009 on the file of the Special Judge cum Chief Judicial Magistrate Court, Chengalpattu by its order dated 31.05.2023 and enlarge the petitioner on bail pending disposal of this criminal appeal.

For Petitioner

... Mr.C.Kanagaraju

For Respondent

... Mr.S.Udaya Kumar
Government Advocate(Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Special Case No.2 of 2009 on the file of the Special Judge-cum-Chief Judicial Magistrate Court at Chengalpet, by judgment dated 31.05.2023 and to enlarge the petitioner on bail pending disposal of the criminal appeal before this Court.

2. The appeal is filed by the third accused, who is the public servant found guilty for the offences under Sections 420, 409 r/w 34 of IPC and Section 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act and convicted and sentenced him as under:-

<i>Rank of the accused</i>	<i>Conviction</i>	<i>Sentence</i>
A3 R.Somanathan	420 of IPC	To undergo 3 years SI and fine of Rs.5,000/- in default to undergo 6 months SI.
	409 r/w 34 of IPC	To undergo 3 years SI and fine of Rs.5,000/- in default to undergo 6 months SI.
	13(2) r/w 13(1)(c)(d) of PC Act	To undergo 3 years SI and fine of Rs.20,000/- in default to undergo 6 months SI.



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3. On perusal of the grounds of appeal, this Court finds certain arguable points touching upon the presence of the accused during the alleged negotiations of the property and registration of the property to attribute intention to commit breach of trust and cheating. Hence, while admitting the appeal, this Court is inclined to grant suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner/appellant is directed to be enlarged on bail subject to the following condition:-

(a) The petitioner shall surrender before the trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees fifty thousand only)** along with two sureties each for a likesum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu.

(b) the petitioner and the sureties shall affix their photograph and left thumb impression in the bond and the above said Court may obtain a copy of his Adhar card or Bank pass Book to ensure his identity.

(c) The petitioner shall report before the trial Court on the first working of every month at 10.30 a.m., until further orders.

07.07.2023



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- To:
- 1.The Special Judge-cum-Chief Judicial Magistrate Court, Chengalpattu.
 - 2.The Deputy Superintendent of Police, CBCID, Kanchipuram.
 - 3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J

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