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Crl.M.P.No.9181 of 2023

in

Crl.A.No.696 of 2023

DR.G.JAYACHANDRAN,J.,

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Special C.C.No.1 of 2007 on the file of the learned Special Judge/Chief Judicial Magistrate, Namakkal, by judgment dated 22.06.2023 and to enlarge the petitioner on bail pending disposal of the criminal appeal before this Court.

2. The petitioner is the sole accused and the respondent is the complainant. On conclusion of trial, the learned Special Judge/Chief Judicial Magistrate, Namakkal, found the petitioner guilty for the offences under Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act , and convicted and sentenced as under;

S.No.	Conviction	Sentence
1	Under Section 7 of PC Act	4 years Simple Imprisonment and to pay a fine amount of Rs.1,000/- in default to undergo 3 months Simple Imprisonment



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S.No.	Conviction	Sentence
2	Under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act	4 years Simple Imprisonment and to pay a fine amount of Rs.5,000/- in default to undergo 6 months Simple Imprisonment

3. The learned counsel for the petitioner/appellant would submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding the appeal. He would submit that the respondent has not afforded any opportunity to explain under what circumstances the alleged amount was in her possession. He would further submit that most of the witnesses were turned hostile. He would also submit that the accused has paid the fine amount of Rs.6,000/- on the file of the learned Special Judge/Chief Judicial Magistrate, Namakkal and she has also enclosed the receipt for the same. Hence, he would pray that the substantive sentences imposed against the petitioner/appellant may be suspended.

4. The learned Additional Public Prosecutor has raised objections to suspend the sentences.



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5. Considering the submissions of the learned counsel for the petitioner/appellant, 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 conditions;

a. the petitioner/appellant shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Namakkal, and on further condition that the petitioner shall report before the concerned Court on the first and third Monday of every English calender month at 10.30 a.m., until further orders.

03.07.2023

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