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Crl.M.P.No.9219 of 2023

in

Crl.A.No.699 of 2023

DR.G.JAYACHANDRAN,J.,

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.C.No.10 of 2012 on the file of the learned Chief Judicial Magistrate, Special Court under PC Act, Thiruvallur by judgment dated 31.05.2023 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 Chief Judicial Magistrate, Special Court under PC Act, Thiruvallur 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	3 years Rigorous Imprisonment and to pay a fine amount of Rs.25,000/- 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	3 years Rigorous Imprisonment and to pay a fine amount of Rs.25,000/- in default to undergo 3 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 further submit that the trial court without any corroborative evidence, convicted the petitioner. Hence, he would pray that the substantive sentences imposed against the petitioner/appellant may be suspended.

4. The learned Additional Public Prosecutor would submit that the accused got red handed while receiving bribe amount of Rs.1,000/- to issue certificate to the villagers to get money under the Tamilnadu Social Welfare Scheme. Hence, he would object to suspend the sentence imposed on the accused.



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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 Chief Judicial Magistrate, Special Court under PC Act, Thiruvallur 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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