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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.M.P.No.15108 of 2023

in

Crl.A.No.1031 of 2023

V.Malliga

.. Petitioner

Vs.

State by Inspector of Police,
Special Investigation Branch,
Vigilance and Anti-Corruption Department,
Chennai.

..Respondent

PRAYER : Criminal Miscellaneous Petition has been filed under section 389(1) of Criminal Procedure Code to suspend the sentence imposed on the Petitioner/Appellant in Spl.CC.No.12 of 2012 dated 24.08.2023 passed by the learned Chief Judicial Magistrate/Special Judge, Tiruvallur and release the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.R.Rajarathinam, Senior Counsel,

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER



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The petitioner herein held guilty of offence under Sections 7 and 13(2) r/w.13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo 3 years Rigorous Imprisonment, in default, 3 months Simple Imprisonment and to pay a fine of Rs.20,000/- for each of the offences.

2. The case against this petitioner is that he demanded a sum of Rs.5,000/-, later reduced it to Rs.3,000/- from defacto complainant for transferring patta and chitta in the name of Society of Seva Missionary.

3. The learned counsel appearing for the petitioner/appellant submits that the defacto complainant's evidence not supported by PW7. The recovery of tainted money from the table drawer of the accused is highly doubtful.

4. Since there are arguable points in the grounds of Appeal, the petition for suspension of sentence is ordered and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- [Rupees One lakh only] with two sureties each for a like sum to the satisfaction of the learned Chief



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Judicial Magistrate/Special Judge, Tiruvallur and on further condition that the petitioner shall appear before the trial Court on first working day of every English Calendar Month at 10.30 a.m. until further orders.

21.09.2023

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pal/Vv

To

1. The Chief Judicial Magistrate/Special Judge,
Tiruvallur
2. The Inspector of Police,
Special Investigation Branch,
Vigilance and Anti-Corruption Department,
Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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