



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.M.P.No.15261 of 2023
in Crl.A.No.1045 of 2023

1. M.Ponnusamy

2. P.Kodinilai

.. Petitioners

Vs.

State Represented by
Additional Superintendent of Police,
Vigilance and Anti Corruption,
Coimbatore.

..Respondent

PRAYER : Criminal Original Petition has been filed under Section 389(1) of Criminal Procedure Code to suspend the sentence imposed upon the appellants herein by the learned Special Judge for cases under Prevention of Corruption Act, Coimbatore in Special C.C. No.60 of 2011 dated 31.08.2023 and release the appellants herein on bail pending disposal of the appeal.

For Petitioner : Mr.R.John Sathyan
Senior Counsel for
Mr.N.Balamuralikrishnan

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



ORDER

WEB COPY This Criminal Miscellaneous Petition is filed against the order of conviction under Section 13(2) r/w. Section 13(1)(e) of the Prevention of Corruption Act, 1988 and Section 109 IPC r/w. Section 13(2) r/w Section 13(1)(e) of the Prevention of Corruption Act, 1988.

2. The appellants are convicted as accused in Special C.C. No.60 of 2011 on the file of the Special Court for Prevention of Corruption Act, Coimbatore. The first petitioner is a public servant and the second petitioner is his wife. The trial Court has found them guilty for holding assets disproportionate to the known source of income.

3. The trial Court has arrived the petitioners holding assets worth more than Rs.20 lakhs disproportionate to the known source and satisfied by the evidence let in by the prosecution, sentenced the first petitioner/accused No.1 to undergo Rigorous Imprisonment for a period of one year and shall pay a fine of Rs.5,000/- and in default, to undergo Simple Imprisonment for 3 months for the offence under Section 13(2) r/w. Section 13(1)(e) of the Prevention of Corruption Act, 1988 and for



the second petitioner/accused No.2, to undergo Rigorous Imprisonment for a period of one year and shall pay a fine of Rs.5,000/- and in default, to undergo Simple Imprisonment for 3 months for the offence 109 IPC r/w. Section 13(2) r/w Section 13(1)(e) of the Prevention of Corruption Act, 1988. Total fine amount of Rs.10,000/- has already been paid by the petitioners.

4. Taking note of the fact that the first petitioner is almost 70 years old and the second petitioner is 68 years old, the learned counsel appearing for the petitioner seeks suspension of sentence.

5. Heard the submission made by the learned counsel for the petitioners/appellants as well as the learned Government Advocate (Crl.Side) for the respondent.

6. Considering the gravity of offence though this Court not inclined to suspend the sentence, being a case of disproportionate assets held by a public servant and the public servant is no more in service, the petitioners be released on bail on suspension of sentence provided



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Dr.G.JAYACHANDRAN,J.

that they jointly deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Special C.C. No.60 of 2011 on or before 20.10.2023. Further on deposit of the aforesaid amount, the petition for suspension of sentence is ordered and the petitioners are directed to be enlarged on bail on condition that the petitioners 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 Special Judge for Prevention of Corruption Act, Coimbatore and on further condition that the petitioners shall appear before the said Court on the first working day of every English Calendar Month at 10.30 a.m. until further orders.

26.09.2023

rkp
To

1. The Special Judge for Prevention of Corruption Act, Coimbatore.
2. The Additional Superintendent of Police, Vigilance and Anti Corruption, Coimbatore.
3. The Public Prosecutor, High Court of Madras, Chennai.

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(2/2)