



Crl.M.P.No.16181 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.16181 of 2023
in Crl.A.No.1086 of 2023

Shanmugasundaram

... Petitioner/Appellant

Vs.

The Union Territory of Puducherry,
Represented by,
The Inspector of Police,
Vigilance and Anti-Corruption Police Unit,

(F.I.R. No.116 of 2005)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., pleased to suspend the sentence imposed upon the petitioner by the learned Principal Sessions Judge/Special Judge, Special Court under Prevention of Corruption Act, 1988, Puducherry, by a Judgment dated 11.09.2023 made in Spl.C.C.No.16 of 2015 and release him on bail.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.K.S.Mohan Dass
Public Prosecutor (Puducherry)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Principal Sessions Judge/Special Judge, Special Court under Prevention of Corruption Act, 1988, Puducherry, vide judgment in Spl.C.C.No.16 of 2015 dated 11.09.2023.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
409 r/w 34 of IPC	five years of rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.
13(2) r/w 13(1)(c) of Prevention of Corruption Act, 1988	five years of rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo six months rigorous imprisonment.
414 r/w 34 of IPC	one year of rigorous imprisonment

3. Learned counsel for the petitioner submitted that the petitioner is a senior citizen suffering from diabetes. He also submitted that the allegation against the petitioner is that he is alleged to have misappropriated the amount to the tune of Rs.82,17,143/-. He further submitted that the case



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was registered during the year 2005 and since there was no encumbrance, the petitioner, during the course of enquiry, had sold one property and several other properties, which were valued about Rs.50lakhs in the year of 2005 and which are now worth about more than one crore, have been attached by the Court. He also submitted that the petitioner has also deposited the fine amount before the Court concerned. He further submitted that the petitioner was in remand for 67 days during investigation and after conviction, he is now confined in Central Prison, Puducherry, from 11.09.2023.

4. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail.

5. The respondent Police has filed a detailed counter.

6. Learned Public Prosecutor (Puducherry) appearing for the



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respondent vehemently opposed for grant of suspension of sentence stating that the petitioner, who was working as LDC cum Cashier in Electricity Department, had misappropriated the revenue collection from the consumers of the Electricity Department to the tune of Rs.82,17,143.50/-. He further submitted that the prosecution, by producing the oral and documentary evidence had proved the case that the petitioner had misappropriated the amount and out of the said amount, he had also purchased several properties. He also submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, has found the petitioner/appellant guilty and convicted him as stated above.

7. Heard the learned counsel for the petitioner/appellant and Public Prosecutor (Puducherry) appearing for the respondent and perused the materials on record.

8. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of



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imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/appellant shall execute 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 Principal Sessions Judge/Special Judge, Special Court under Prevention of Corruption Act, 1988, Puducherry;
- ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

02.11.2023

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Note : Issue order copy today (02.11.2023)



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To

1. The Principal Sessions Judge/Special Judge,
Special Court under Prevention of Corruption Act,
Puducherry.
2. The Superintendent,
Central Prison,
Puducherry,
3. The Inspector of Police,
Vigilance and Anti-Corruption Police Unit,
The Union Territory of Puducherry.
4. The Public Prosecutor (Puducherry),
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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in
Crl.A.No.1086 of 2023**

02.11.2023

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