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Crl.M.P.No.17779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

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

Crl.M.P.No.17779 of 2023
in Crl.A.No.1267 of 2023

P.Arumaiselvi

... Petitioner/Appellant

Vs.

The State represented by,
The Inspector of Police,
Chennai City – II,
Vigilance and Anti-Corruption,
Chennai.

(Crime No.5/AC/2015/CC-1)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., pleaded to suspend the sentence imposed on the petitioner by the Judgment dated 31.10.2023 in C.C.No.11 of 2017, on the file of the Special Court for the Cases under Prevention of Corruption Act, Chennai – 104 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Mohammed Rafi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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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 Special Judge for the Cases under Prevention of Corruption Act, Chennai, vide judgment in C.C.No.11 of 2017 dated 31.10.2023.

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

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act, 1988	three years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	four years of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.

3. Learned counsel for the petitioner submitted that the petitioner is a 58 years old lady suffering with the old age ailments and her husband is a



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heart patient and there is no one to take care of his health. He further submitted that the marriage of the petitioner/appellant's son is fixed on 24.11.2023. He further submitted that after conviction, she is now confined in Central Prison, Puzhal, Chennai, from 31.10.2023.

4. Further, 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 has filed a Counter Affidavit.

6. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty, convicted her as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.



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7. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) 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 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 Special Court for the Cases under Prevention of Corruption Act, Chennai - 104;
- 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.



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9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

22.11.2023

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Note : Issue order copy today (22.11.2023)

To

1. The Special Judge for the Cases under Prevention of Corruption Act,
Chennai - 104.
2. The Superintendent,
Central Prison,
Puzhal, Chennai.
3. The Inspector of Police,
Chennai City – II,
Vigilance and Anti-Corruption,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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