



Crl.M.P.No.17857 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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

Crl.M.P.No.17857 of 2023
in Crl.A.No.1276 of 2023

V.Subramani

... Petitioner/Appellant

Vs.

The State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode.

(Crime No.02/AC/2006/ER)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence passed in Spl.C.C.No.03 of 2015 dated 16.10.2023 on the file of the learned Chief Judicial Magistrate/Special Judge (Under Prevention of Corruption Act), Erode and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.Arun Kumar

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 (A2) /appellant, seeking suspension of sentence, imposed by the learned Chief Judicial Magistrate/Special Judge (Under Prevention of Corruption Act), Erode, vide judgment in Spl.C.C.No.03 of 2015 dated 16.10.2023.

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	two years of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month of simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	two years of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.

3. 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



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Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the trial Court, by an order dated 16.10.2023 in C.M.P.No.16657 of 2023, has suspended the sentence for the petitioner till 17.11.2023.

4. 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 (A2)/appellant guilty, convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. 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 is 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 Chief Judicial Magistrate/Special Judge (Under Prevention of Corruption Act), Erode;
- 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.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

09.11.2023

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To

1. The Chief Judicial Magistrate/Special Judge
(Under Prevention of Corruption Act),
Erode.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Erode.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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