



Crl.M.P.No.19159 of 2022
in Crl.A.No.1271 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.19159 of 2022
in Crl.A.No.1271 of 2022

M.Palanikumar

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai.Crime No.30/09/AC/HQ)
Respondent

...

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence till the disposal of the appeal by enlarging the petitioner on bail connected in CC.No.104 of 2011 on the file of the Hon'ble Special Court for Prevention of Corruption Act cases at Chennai.

For Petitioner : Mr.P.Ezhil Nilavan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in C.C.No.104 of 2011, on the file of learned Special Court for Prevention of Corruption Act cases, Chennai vide judgement dated 21.11.2022 , pending disposal of the Criminal Appeal.

2. The learned Special Judge for Prevention of Corruption Act Cases, Chennai vide judgment dated 21.11.2022 passed in C.C.No.104 of 2011, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Section 7 of Prevention of Corruption Act	1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.
Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act	2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.

The above sentences were ordered to run concurrently. Challenging



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the above conviction and sentence, the petitioner preferred an Appeal in
Crl.A.No.1271 of 2022

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 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 has suspended the sentence till 12.01.2023 and this Court vide order dated 23.12.2022 in Crl.M.P.No.19159 of 2022 in Crl.A.No.1271 of 2022 had suspended the sentence till 24.01.2023.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor 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 him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.



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5. Heard the learned counsel for the petitioner/appellant and the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of 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.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Court for the Prevention of Corruption Act Cases, Chennai;
- 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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7. With the above directions, the Criminal Miscellaneous Petition is
ordered accordingly.

vv/nr

24.01.2023

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T.V.THAMILSELVI,J.

nr/vv

To

- 1.The Special Court for Prevention of corruption Act Cases, Chennai.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai
- 3.The Public Prosecutor,
High Court, Madras.

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