



Crl.M.P.No.18432 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.18432 of 2023
in Crl.A.No.1318 of 2023

G.Shanmughasundaram

... Petitioner/Appellant

Vs.

State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore.

Crime No.13/2006/AC/CB

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence and enlarge the petitioner on bail in Special C.C.No.52 of 2011 dated 31.10.2023 passed on the file of the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Coimbatore.

For Petitioner : Mr.V.N.Krishnamurthy

For Respondent : Mr.C.E.Pratap



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Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Special Judge for Trial of Cases under Prevention of Corruption Act, Coimbatore, vide judgment in Special C.C.No.52 of 2011 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	one year rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	one year of rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.

3. Learned counsel for the petitioner/appellant submitted that the fine amount has been paid by the petitioner/appellant. According to the learned counsel for the petitioner/appellant, there are arguable points



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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, while convicting the petitioner, has suspended the sentence for a period of four weeks.

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/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



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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 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 Special Court for Trial of Cases under Prevention of Corruption Act, Coimbatore;
- 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.

22.11.2023

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Note : Issue order copy today (22.11.2023)



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To

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



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A.D.JAGADISH CHANDIRA, J.

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22.11.2023

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