



Crl.M.P.No.19895 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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

Crl.M.P.No.19895 of 2022

in

Crl.A.No.1311 of 2022

A.Paramasivan

... Petitioner/Accused-1

Vs.

The Central Bureau of Investigation
Represented by the Investigating Officer,
Inspector of Police,
Anti Corruption Branch,
Sastri Bhavan, Nungambakkam,
Chennai-600 006.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 374(2) of Cr.P.C., pleaded to suspend the sentence imposed on the petitioner by judgment and order dated 14.12.2022 passed in C.C.No.9 of 2015 on the file of the Principal Special Court for CBI Cases, (VIII Additional City Civil Court), Chennai and to enlarge him on bail pending disposal of the above Criminal Appeal.



Crl.M.P.No.19895 of 2022

For Petitioner : Mr.V.S.Venkatesh
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment and order dated 14.12.2022 passed in C.C.No.9 of 2015 on the file of the Principal Special Court for CBI Cases, (VIII Additional City Civil Court), Chennai and to enlarge him on bail pending disposal of the above Criminal Appeal.

2. In and by the judgment of the Trial Court, the petitioner/appellant was convicted for the offence under Section 7 of Prevention of Corruption Act, 1988 (for brevity "the PC Act") and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment and he was also convicted for the offence under Section 13(2) r/w 13(1)(d) of the PC Act and sentence to undergo four years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment. The aforesaid sentences were ordered to run concurrently.



Crl.M.P.No.19895 of 2022

WEB COPY

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 enlarged on bail.

4. Mr.K.Srinivasan, learned Special Public Prosecutor (CBI) 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 the learned Special Public Prosecutor (CBI) appearing for the respondent and perused the materials on record.



Crl.M.P.No.19895 of 2022

WEB COPY

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 Principal Special Court for CBI Cases, (VIII Additional City Civil Court), 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; and
- iii. The petitioner/appellant shall not leave India till the disposal of this Criminal Appeal.

7. With the above directions, the Criminal Miscellaneous Petition stands allowed.

23.01.2023
2/2

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Crl.M.P.No.19895 of 2022

To
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- 1.The Principal Special Judge for CBI Cases,
(VIII Additional City Civil Court),
Chennai-104.
- 2.The Inspector of Police
Central Bureau of Investigation,
Anti Corruption Branch,
Sastri Bhavan, Nungambakkam,
Chennai-600 006.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
4. The Special Public Prosecutor,
High Court of Madras.



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Crl.M.P.No.19895 of 2022

T.V.THAMILSELVI, J.

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Crl.A.No.1311 of 2022**

23.01.2023

2/2