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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HON'BLE MR. JUSTICE **T.V.THAMILSELVI**

Crl.M.P.No.19936 of 2022
Crl.A.No.1313 of 2022

Sivaram Thilagar ... Petitioner/Appellant

Vs.

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

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the execution of the sentence dated 14.12.2022 passed on the file of the Special **C.C.No.9 of 2015** on the file of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai-104 and enlarge the petitioner on bail pending disposal of the criminal appeal.

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For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor(CBI)

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai-104, vide judgment in C.C.No.9 of **201** dated 14.12.2022.

2. In and by the judgment of the Trial Court, the petitioner/ appellant was convicted for the offence under Section 12 of Prevention of Corruption Act, 1988 and sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.5,000/- as fine, in default to undergo six months simple imprisonment, against which, the present appeal has been filed.

3. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not likely

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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 would further submit that the fine amount imposed on the petitioner has been deposited.

4. Mr.K.Srinivasan, Special Public Prosecutor for 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 for CBI 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

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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 Principal Special Judge 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.

7. With the above directions, the Criminal Miscellaneous Petition is ordered accordingly.

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To

1.The Principal Special Judge for CBI Cases,
VIII Additional City Civil Court, Chennai-104

2. The Inspector of Police,
Anti Corruption Branch,
Sastri Bhavan, Nungambakkam,
Chennai-600 006

3. The Public Prosecutor,
High Court of Madras.

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The Criminal Miscellaneous Petition is listed today under the caption "for being mentioned".

2. Learned counsel appearing for the petitioner submitted that this Court, by an order dated 12.01.2023, has ordered this petition. However, the C.C.No.09 of 2015 has been wrongly mentioned as Special C.C.No.9 of 2015 in the prayer. Hence, he prayed for suitable directions.

3. Considering the above submission, the error is corrected and the prayer portion shall be read as follows:

> "Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner in C.C.No.09 of 2015 passed by the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai – 104 by a judgment dated 14.12.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal."

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4. Registry is directed to issue a fresh order copy.

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