



Crl.M.P.No.20129 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

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

Crl.M.P.No.20129 of 2022

in

Crl.A.No.1331 of 2022

A.Balasubramanian

... Petitioner/Appellant

Vs.

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

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., pleaded to suspend the execution of the sentence dated 16.12.2022 passed on the file of the Special C.C.No.59 of 2011 on the file of the learned Special Judge for trial of cases under Prevention of Corruption Act, Coimbatore, pending disposal of the criminal appeal.

For Petitioner : Mr.V.N.Krishnamurthy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Coimbatore, vide judgment in Spl.C.C.No.59 of 2011 dated 16.12.2022.

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 and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.4,000/- as fine, in default to undergo three months simple imprisonment and he is further ordered to undergo two years of rigorous imprisonment and pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 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 to be taken for final hearing in the near future and the petitioner/appellant has



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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.

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.

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,



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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 Judge, Special Court for the 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. With the above directions, the Criminal Miscellaneous Petition is ordered accordingly.

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To

1. The Special Judge,
Special Court for the 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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T.V.THAMILSELVI, J.

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