



Crl.M.P.No.19462 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.19462 of 2023
in Crl.A.No.1532 of 2023

M.S.Mohammed Ghouse

... Petitioner/Appellant

Vs.

State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-II Detachment.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner/accused in Special Calender Case No.10 of 2014 on the file of the learned Chief Judicial Magistrate-cum-Special Judge, Thiruvallur and enlarge the appellant on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



Crl.M.P.No.19462 of 2023

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence imposed by the learned Chief Judicial Magistrate cum Special Judge, Thiruvallur, in Special C.C.No.10 of 2014 vide judgment dated 27.11.2023.

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	three years rigorous imprisonment and a fine of Rs.20,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	three years rigorous imprisonment and a fine of Rs.20,000/-, 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 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



Crl.M.P.No.19462 of 2023

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 till 26.12.2023.

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 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



Crl.M.P.No.19462 of 2023

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 learned Chief Judicial Magistrate cum Special Judge, Thiruvallur ;
- 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.

15.12.2023

ham



Crl.M.P.No.19462 of 2023

WEB COPY

To

1. The Chief Judicial Magistrate cum Special Judge,
Thiruvallur.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-II Detachment.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.M.P.No.19462 of 2023

A.D.JAGADISH CHANDIRA, J.

ham

**Crl.M.P.No.19462 of 2023
in
Crl.A.No.1532 of 2023**

15.12.2023

2/2