



Crl.M.P.No.19968 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

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

Crl.M.P.No.19968 of 2023
in Crl.A.No.1634 of 2023

S.K.Rajagopal

... Petitioner/Appellant

Vs.

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

Crime No.7/AC/2000/KM

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner by the judgment dated 11.12.2023 made in Special S.C.No.9 of 2005 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Chengalpattu and enlarge the petitioner/appellant on bail, pending disposal of the appeal.

For Petitioner : Mr.P.Kannan Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence imposed by the learned Special Judge-cum-Chief Judicial Magistrate, Chengalpattu, in Special S.C.No.9 of 2005 vide judgment dated 11.12.2023.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
120-B of IPC	Six months simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
167 of IPC	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
409 of IPC	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
468 of IPC	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
109 of IPC	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act, 1988	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
The sentences shall run concurrently	



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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 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 30 days.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond all 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.



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To

1. The Special Judge-cum-Chief Judicial Magistrate,
Chengalpattu.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Kancheepuram.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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