



Crl.M.P.No.19955 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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

Crl.M.P.No.19955 of 2023
in Crl.A.No.1632 of 2023

Velappan

... Petitioner/Appellant

Vs.

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

(Crime No.3/AC/2010)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C., pleased to suspend the sentence imposed in judgment dated 14.12.2023 passed in Special C.C.No.55 of 2010 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Namakkal and enlarge the petitioner/appellant on bail pending disposal of the appeal.

For Petitioner : Mr.R.Ezhilarasan

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

ORDER



CrI.M.P.No.19955 of 2023

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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, Namakkal, in Special C.C.No.55 of 2010 vide judgment dated 14.12.2023.

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 simple imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	three years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.
The sentences shall run concurrently	

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



Crl.M.P.No.19955 of 2023

the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail.

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.

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 disposal of the Criminal Appeal, suspension of sentence is granted, on the following conditions :-



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Crl.M.P.No.19955 of 2023

- 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 Special Judge-cum-Chief Judicial Magistrate, Namakkal ;
- 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.

22.12.2023

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Note : Issue order copy today (22.12.2023)



CrI.M.P.No.19955 of 2023

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To

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



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Crl.M.P.No.19955 of 2023

A.D.JAGADISH CHANDIRA, J.

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**Crl.M.P.No.19955 of 2023
in
Crl.A.No.1632 of 2023**

22.12.2023

2/2