



Crl.M.P.No.73 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.01.2024**

CORAM

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

Crl.M.P.No.73 of 2024
in Crl.A.No.17 of 2024

V.S.Sivaprasad

... Petitioner/Appellant

Vs.

State represented by,
The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
Chennai – 600 028.

(Crime No.31/AC/2009/HQ)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) r/w 439 of Cr.P.C., pleaded to suspend the sentence imposed in judgment dated 11.12.2023 passed in C.C.No.1 of 2012 on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai and enlarge the petitioner/appellant on bail pending disposal of the main criminal appeal.

For Petitioner : Mr.D.Vijaya Babu

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



Crl.M.P.No.73 of 2024

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence imposed by the Special Court for the cases under Prevention of Corruption Act, Chennai, in C.C.No.1 of 2012 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>
7 of Prevention of Corruption Act, 1988	Six months rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	one year rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three 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



Crl.M.P.No.73 of 2024

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 till 11.01.2024.

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



Crl.M.P.No.73 of 2024

imprisonment can be suspended on certain conditions. Accordingly, till the 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Court for the cases under Prevention of Corruption Act, Chennai;
- 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.

05.01.2024

ham



Crl.M.P.No.73 of 2024

WEB COPY

To

1. The Special Court for the cases under Prevention of Corruption Act,
Chennai.
2. The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
Chennai – 600 028.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.M.P.No.73 of 2024

A.D.JAGADISH CHANDIRA, J.

ham

**Crl.M.P.No.73 of 2024
in
Crl.A.No.17 of 2024**

05.01.2024

2/2