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Crl.M.P.No.192 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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

Crl.M.P.No.192 of 2024
in Crl.A.No.44 of 2024

1. A.Parthasarathy

2. K.Ramachandran

3. V.Annadurai

... Petitioners/Appellants

Vs.

The 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., pleaded to suspend the sentence of imprisonment imposed by the learned trial Judge by its judgment dated 11.12.2023 in Spl.C.C.No.9 of 2005 on the file of the Special Judge cum Chief Judicial Magistrate, Chengalpattu, pending disposal of the criminal appeal.

For Petitioners : Mr.V.Krishnakumar

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



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners/appellants (A4 to A6 respectively), seeking suspension of sentence imposed by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu, in Spl.C.C.No.9 of 2005 vide judgment dated 11.12.2023.

2. The conviction and sentence imposed against the petitioners/appellants is as follows:-

<i>Under Section</i>	<i>Sentence</i>
120-B IPC	six months simple imprisonment and a fine of Rs.5000/-, in default, to undergo one month simple imprisonment.
167 IPC	two years simple imprisonment and a fine of Rs.5000/-, in default, to undergo one month simple imprisonment.
409 IPC	two years simple imprisonment and a fine of Rs.5000/-, in default, to undergo one month simple imprisonment.
468 IPC	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.
109 IPC	two years simple imprisonment and a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.



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<i>Under Section</i>	<i>Sentence</i>
13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act, 1988	two years simple imprisonment and a fine of Rs.5000/-, in default, to undergo one month simple imprisonment.
The sentences shall run concurrently	

3. Learned counsel for the petitioners/appellants submitted that the petitioners/appellants are aged more than 70 years and the trial Court, while convicting the petitioners, has suspended their sentence till 10.01.2024. Further, the petitioners have also paid the fine amount imposed by the trial Court.

4. According to the learned counsel for the petitioners/appellants, 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 petitioners/appellants have got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioners/appellants may be suspended and the petitioners/appellants may be enlarged with bail.

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



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reasonable doubts and the trial Court on finding the petitioners/appellants guilty, convicted them as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

6. Heard the learned counsel for the petitioners/appellants and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners/appellants, 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 :-

- i. The petitioners/appellants shall execute separate 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, Chengalpattu;



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ii. The petitioners/appellants shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

09.01.2024

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Note : Issue order copy today (09.01.2024)

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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09.01.2024

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