



Crl.M.P.No.1265 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.02.2024**

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

Crl.M.P.No.1265 of 2024
in Crl.A.No.117 of 2024

V.Mary

... Petitioner/Appellant

Vs.

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

(Crime No.17/2002/AC/CB)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C., pleased to suspend the sentence of imprisonment imposed in the judgment dated 22.12.2023 made in Spl.C.C.No.29 of 2011 on the file of the learned Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Coimbatore and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.N.Ponraj

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

ORDER



Crl.M.P.No.1265 of 2024

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This Criminal Miscellaneous Petition has been filed by the petitioner/appellant/A2 seeking suspension of sentence imposed by the learned Special Judge, Special Court for trial of cases under the Prevention of Corruption Act, Coimbatore, in Spl.C.C.No.29 of 2011 vide judgment dated 22.12.2023.

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

<i>Under Section</i>	<i>Sentence</i>
13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988	one year rigorous imprisonment and a fine of Rs.5000/-, in default, to undergo two months simple imprisonment.

3. Learned counsel for the petitioner/appellant submitted that the petitioner/A2 was tried along with her husband/A1 and her son/A3. He further submitted that the petitioner, aged about 76 years, was working as a Secondary Grade Teacher, Coimbatore Corporation and her husband/A1 was working as an Office Assistant at the office of the Assistant Accounts Officer, Transport Department, Coimbatore and the respondent had registered a case against them for possessing assests disproportionate to their income.



Crl.M.P.No.1265 of 2024

He further submitted that during the pendency of the trial, A1 and A3 passed away and the petitioner faced the trial and she had been found guilty and convicted to undergo one year rigorous imprisonment. He also submitted that the trial Court, while convicting the petitioner, has suspended her sentence till 22.01.2024 and a memo has also been filed for extension of time. He also submitted that the petitioner have also paid the fine amount imposed by the trial Court.

4. 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.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is the case where the allegation against the accused is for possessing assets disproportionate to their income and the prosecution has proved the case beyond all reasonable doubts and the trial



Crl.M.P.No.1265 of 2024

Court, on finding the petitioner/appellant guilty, convicted her as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

6. Heard the learned counsel for the petitioner/appellant 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 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 :-

- i. The petitioner/appellant shall execute a 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, Special Court for trial of cases under the Prevention of Corruption Act, Coimbatore ;
- ii. The petitioner/appellant shall appear before the trial Court on the first working day of every English



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Crl.M.P.No.1265 of 2024

Calendar month at 10.30 a.m., until further orders.

8. Accordingly, this Criminal Miscellaneous Petition stands ordered.

01.02.2024

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Note : Issue order copy today (01.02.2024)

To

1. The Special Judge,
Special Court for trial of cases under the Prevention of Corruption Act,
Coimbatore.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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01.02.2024

2/2