



Crl.M.P.No.3236 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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

Crl.M.P.No.3236 of 2024
in Crl.A.No.215 of 2024

G.Ragupathy

... Petitioner/Appellant

Vs.

The State represented by,
The Deputy Superintendent of Police,
Chennai City – IV,
Vigilance and Anti-Corruption,
Chennai – 600 035.

(Crime No.4/AC/2012/CC-II)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(2) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner/appellant herein passed by the Special Court for the Cases under the Prevention of Corruption Act, Chennai by judgment dated 09.02.2024 made in C.C.No.10 of 2014 and enlarge the petitioner on bail pending disposal of the criminal appeal.



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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the Special Court for the Cases under Prevention of Corruption Act, Chennai, vide judgment in C.C.No.10 of 2014 dated 09.02.2024.

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

<i>Under Section</i>	<i>Sentence</i>
409 of IPC	one year of rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo one months simple imprisonment.
7 of Prevention of Corruption Act, 1988	one year of rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo one months simple imprisonment.
The Sentences shall run concurrently.	

3. Learned counsel for the petitioner/appellant submitted that the



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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 till 09.03.2024.

4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for grant of suspension of sentence stating that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, has found the petitioner/appellant guilty and convicted him as stated above.

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



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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 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 Special Court for the Cases under the Prevention of Corruption Act, Chennai;
- ii. The petitioner/appellant shall appear before the trial Court once in two months at 10.30 a.m., starting from the 1st working day of March 2024, until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

26.02.2024

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To



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1. The Special Court for the Cases under the Prevention of Corruption Act,
Chennai.
2. The Deputy Superintendent of Police,
Chennai City – IV,
Vigilance and Anti-Corruption,
Chennai – 600 035.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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