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Crl.M.P.No.3629 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

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

Crl.M.P.No.3629 of 2024
in Crl.A.No.254 of 2024

Kasim Hussain

... Petitioner/Appellant

Vs.

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

(Crime No.11/AC/2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed in Spl.S.C.No.2 of 2014 by the judgment dated 14.02.2024 passed by learned Special Judge cum Chief Judicial Magistrate, Chengalpattu and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.R.Vivekananthan

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



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu, vide judgment in Spl.S.C.No.2 of 2014 dated 14.02.2024.

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	two years of simple imprisonment and a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	two year of simple imprisonment and a fine of Rs.10,000/-, in default, to undergo one month 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 for 30 days from 14.02.2024.

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.



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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 :-

- 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 Chief Judicial Magistrate, Chengalpattu;
- ii. The petitioner/appellant shall appear before the trial Court on the first working day of every month at 10.30 a.m., until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

04.03.2024



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To

1. The Chief Judicial Magistrate,
Chengalpattu.
2. The Inspector of Police,
Vigilance and Anti-Corruption Branch,
Kancheepuram.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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