



Crl.M.P.No.4444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

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

Crl.M.P.No.4444 of 2024
in Crl.A.No.298 of 2024

Kulandhaivelu

... Petitioner/Appellant

Vs.

The State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Cuddalore District.

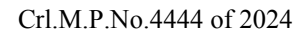
(Crime No.2 of 2008)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence dated 14.02.2024 imposed in Special Calendar Case No.13 of 2010, on the file of the Court of the Chief Judicial Magistrate/Special Court under Prevention of Corruption Act, Cuddalore and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.S.Santhosh



ORDER

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

<i>Under Section</i>	<i>Sentence</i>
7 of the Prevention of Corruption Act, 1988.	one year rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo two months simple imprisonment.
13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.	two years rigorous imprisonment and a fine of Rs.4,000/-, in default, to undergo three months simple imprisonment.
The Sentences shall run concurrently	

3. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not



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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 petitioner has deposited the fine amount before the Court concerned and further, the trial Court, while convicting the petitioner, has suspended the sentence till 14.03.2024.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court, on finding that the petitioner/appellant guilty, convicted him as stated above. Therefore, he 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



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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 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/Special Court under Prevention of Corruption Act, Cuddalore;
- 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.

13.03.2024

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To

1. The Chief Judicial Magistrate,
Special Court under Prevention of Corruption Act,
Cuddalore.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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