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Crl.M.P.No.4168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

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

Crl.M.P.No.4168 of 2024
in Crl.A.No.278 of 2024

C.Karuppannan

... Petitioner/Appellant

Vs.

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

(Crime No.06/AC/2009)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence imposed in Special C.C.No.51 of 2010 dated 24.01.2024 on the file of the Special Court/Chief Judicial Magistrate, Namakkal and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.B.Jawahar

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/Chief Judicial Magistrate, Namakkal, vide judgment in Spl.C.C.No.51 of 2010 dated 24.01.2024.

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	three years of simple imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	three years of simple imprisonment and a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.
The Sentences shall run concurrently.	

3. Learned counsel for the petitioner/appellant submitted that the fine amount has been paid by the petitioner/appellant. According to the learned counsel for the petitioner/appellant, there are arguable points



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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 23.02.2024, however, since the petitioner, who is aged about 73 years, is bedridden, due to his old age ailments, he was unable to intimate his counsel and thereby, the trial Court has also issued a Non-bailable warrant against him.

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. He further submitted that a non-bailable warrant is pending against the petitioner.

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 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 is directed to deposit a sum of Rs.2000/- (Rupees Two Thousand only) to the credit of Taluk Legal Services Authority, attached to the Court concerned and shall produce the said receipt before the Court below while executing the sureties;
- ii. 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, Namakkal;
- iii. The petitioner/appellant shall appear before the trial



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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.

08.03.2024

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Note : Issue order copy today (08.03.2024)

To

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



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