



Crl.M.P.No.5506 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

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

Crl.M.P.No.5506 of 2024
in Crl.A.No.360 of 2024

Jayalakshmi Thilagam

... Petitioner/Appellant

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City I Detachment,
Chennai – 600 028.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the sentence imposed on the petitioner by the Special Court for the cases under the Prevention of Corruption Act, Chennai, vide judgment in C.C.No.123 of 2011 dated 29.02.2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Xavier Felix

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



Crl.M.P.No.5506 of 2024

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the Special Court for the cases under the Prevention of Corruption Act, Chennai, vide judgment in C.C.No.123 of 2011 dated 29.02.2024.

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	Six months rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	One year rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.

3. 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



Crl.M.P.No.5506 of 2024

be suspended and the petitioner/appellant may be enlarged with bail. He further submitted that the fine amount has been paid by the petitioner and further, the trial Court, while convicting the petitioner, has suspended the sentence till 30.03.2024.

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 the petitioner/appellant guilty, convicted her as stated above. Therefore, he vehemently 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 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



Crl.M.P.No.5506 of 2024

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 Prevention of Corruption Act, Chennai;
- 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.

27.03.2024

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Crl.M.P.No.5506 of 2024

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To

1. The Special Court for the cases under Prevention of Corruption Act,
Chennai.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City I Detachment,
Chennai – 600 028.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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**Crl.M.P.No.5506 of 2024
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Crl.A.No.360 of 2024**

27.03.2024

2/2