



Crl.M.P.No.9138 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

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THE HON'BLE MR. JUSTICE **VIVEK KUMAR SINGH**

Crl.M.P.No.9138 of 2024
in Crl.A.No.812 of 2024

P.Bhuvaneswari

... Petitioner/Appellant

Vs.

State represented by,
The Inspector of Police,
Vigilance and Anti Corruption,
City Special Unit III,
Chennai 600 035.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(2) of Cr.P.C., pleased to suspend the imprisonment in the judgment dated 22.05.2024 in Special Case No.7 of 2014 on the file of the Chief Judicial Magistrate Court cum Special Judge, Chengalpet and enlarge the petitioner/appellant on bail pending disposal of the criminal appeal.

For Petitioner : Mr.K.M.Subramanian

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 imposed by the learned Chief Judicial Magistrate cum Special Judge, Chengalpet, vide judgment in Special Case No.7 of 2014, dated 22.05.2024.

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

<i>Under Section</i>	<i>Sentence</i>
7 of Prevention of Corruption Act, 1988	One year rigorous 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	One year rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment.

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 available in the Criminal Appeal and the appeal is not likely to be taken for final hearing in the near future. He further submitted that the petitioner/appellant has got a fair chance of succeeding in the Criminal



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Appeal. In view of the same, he pleaded that the sentence imposed upon the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail. He further submitted that the trial Court, while convicting the petitioner has suspended the sentence for a period of 30 days.

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 him 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



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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 learned chief Judicial Magistrate cum Special Judge, Chengalpattu ;
- 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.

26.06.2024

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To

1. The Chief Judicial Magistrate cum Special Judge, Chengalpattu.
2. The Inspector of Police,
Vigilance and Anti Corruption,
City Special Unit III,
Chennai 600 035.
3. The Public Prosecutor,
High Court of Madras.



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VIVEK KUMAR SINGH, J.

vkr

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