



Crl.M.P.No.9649 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

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THE HON'BLE MR. JUSTICE VIVEK KUMAR SINGH

Crl.M.P.No.9649 of 2024
in Crl.A.No.862 of 2024

Elango

... Petitioner/Appellant

Vs.

State represented by,
The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Dharmapuri.
(Crime No.11/AC/2008)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(3) of Cr.P.C., pleased to suspend the imprisonment in the judgment dated 25.06.2024 in Special C.C.No.5 of 2011 on the file of the Special Judge and Chief Judicial Magistrate, Dharmapuri and enlarge the petitioner/appellant on bail pending disposal of the criminal appeal.

For Petitioner : Mr.T.Muruganantham

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 Special Judge / Chief Judicial Magistrate, Dharmapuri, vide judgment in Special C.C.No.5 of 2011, dated 25.06.2024.

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.1000/-, 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.1000/-, 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 till the disposal of the appeal.

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 available on record.

6. Considering the facts and circumstances of the case and also taking into account of 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 Special Judge/ Chief Judicial Magistrate, Dharmapuri;
- 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.

05.07.2024

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To

1. The Special Judge / Chief Judicial Magistrate, Dharmapuri.
2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Dharmapuri.
3. The Public Prosecutor,
High Court of Madras.



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VIVEK KUMAR SINGH, J.

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