



Crl.M.P.No.407 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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

Crl.M.P.No.407 of 2024
in Crl.A.No.58 of 2024

R.Subramanian

... Petitioner/Appellant

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai.

(Crime No.23 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) & (2) of Cr.P.C., pleaded to suspend the execution of sentence of imprisonment imposed in the judgment passed against the petitioner/appellant in C.C.No.6 of 2021 dated 06.10.2023 on the file of the Special Court for the Cases under the Prevention of Corruption Act, Chennai and enlarge the petitioner on bail pending disposal of the criminal appeal.



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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the Special Court for the Cases under Prevention of Corruption Act, Chennai, vide judgment in C.C.No.6 of 2021 dated 06.10.2023.

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 (Amendment) Act, 1988	Four years of rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment.

3. Learned counsel for the petitioner/appellant submitted that PW2, who is alleged to have given the complaint against the petitioner/appellant, had not supported the case of the prosecution and he was treated as hostile. He also submitted that though witness PW3 speaks about her presence at the office along with PW2, PW2 had not spoken about



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the presence of PW3. He also submitted that the petitioner has also deposited the fine amount before the Court concerned. He further submitted that the petitioner is now confined in Central Prison, Puzhal, Chennai, from 06.10.2023.

4. 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 be suspended and the petitioner/appellant may be enlarged with bail.

5. The Respondent Police has filed a detailed counter.

6. 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.



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7. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

8. 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 and bail are 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 the 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.



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9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

07.02.2024

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Note : Issue order copy today (07.02.2024)

To

1. The Special Court for the Cases under the Prevention of Corruption Act, Chennai.
2. The Superintendent,
Central Prison,
Puzhal, Chennai,
3. The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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07.02.2024

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