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CRL.M.P.No.17456 of 2024
in CrI.A.No.1535 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

MR.JUSTICE N.SESHASAYEE

CRL.M.P.No.17456 of 2024
in CrI.A.No.1535 of 2024

A.Irudayaraj

... Appellant

Vs.

State Rep. by
The Inspector of Police,
Vigilance and Anti Corruption,
Special Investigation Cell,
Chennai.
(Crime No.29/AC/2009)

... Respondent

For Petitioner : Mr.P.Ezhil Nilavan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrI. Side)

Prayer: Criminal Miscellaneous Petition filed under Section 374(2) Cr.P.C., to suspend the sentence and enlarge the petitioner on bail connected in Special Case No.12 of 2011 on the file of the learned Special Judge cum Chief Judicial Magistrate, Chengalpet.



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ORDER

The Petitioner / appellant was convicted for the offences U/s.7 of the Prevention of Corruption Act, 1988, and sentenced to undergo two (2) years S.I. and to pay a fine of Rs.10,000/- in default to undergo one (1) month S.I., for offences U/s.13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo two (2) years S.I. and also fine of Rs.10,000/- in default to undergo (1) month S.I., by the learned Special Judge cum Chief Judicial Magistrate, Chengalpet, under judgment in Special Case No.12 of 2011 dated 25.11.2024. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel for petitioner submits that the trial Court has suspended the sentence imposed on the petitioner till 24.12.2024. The learned counsel further submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of the prosecution witnesses.



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3.Heard Mr.K.M.D.Muhilan, the learned Government Advocate (Crl. Side) and the learned counsel appearing for the petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by the learned counsel for petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5.The substantive sentence of imprisonment alone is suspended accordingly, and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate,



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N.SESHASAYEE, J.

Anu

Chengalpet, and on further condition that the petitioner shall appear before the said Court on the first working day of every English calender month at 10.30 a.m. until further orders.

09.12.2024
(2/2)

Anu

Note: Issue order copy on 13.12.2024

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