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CRL.M.P.No.17674 of 2024
in CrI.A.No.1555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2024

CORAM

MR.JUSTICE N.SESHASAYEE

CRL.M.P.No.17674 of 2024
in CrI.A.No.1555 of 2024

M.Kannan

... Appellant

Vs.

State Represented by
Inspector of Police
Vigilance and Anti-Corruption
Cuddalore

... Respondent

Prayer: The miscellaneous petition is filed U/s.430 of BNSS Act, 2023, to suspend of the sentence passed in Spl.C.No.20 of 2020 dated 14.11.2024 convicting the appellant by the Chief Judicial Magistrate / Special Judge at Cuddalore pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.Vijayaraj

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



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ORDER

The Petitioner / appellant / A1 was convicted for the offences U/s.7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018, and sentenced to undergo two (2) years S.I. and to pay a fine of Rs.5,000/- in default to undergo six (6) months S.I. for offence U/s.7 of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption (Amendment) Act, 2018, by the learned Special Judge cum Chief Judicial Magistrate, Cuddalore, under judgment in Special Case No.20 of 2020 dated 14.11.2024. 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 13.11.2024. 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, Cuddalore, and on further condition that the petitioner shall appear



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N.SESHASAYEE, J.

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before the said Court on the first working day of every English calender month at 10.30 a.m. until further orders.

11.12.2024
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Note: Issue order copy on 12.12.2024

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