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CRL.M.P.No.17741 of 2024
in CrI.A.No.1571 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2024

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MR.JUSTICE N.SESHASAYEE

CRL.M.P.No.17741 of 2024
in CrI.A.No.1571 of 2024

K.Balachandran

... Petitioner

Vs.

The State by
The Inspector of Police
Vigilance and Anti-Corruption
Coimbatore

... Respondent

Prayer: The miscellaneous petition is filed U/s.430 (1) of BNSS Act, 2023, to suspend of the sentence imposed in Spl.C.C.No.69 of 2011 dated 26.11.2024 passed by the Special Judge to try cases registered under Prevention of Corruption Act, Coimbatore and enlarge the petitioner on bail pending disposal of the Criminal Appeal before this Court by allowing this petition.

For Petitioner : Mr.R.Sivakumar

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



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ORDER

The Petitioner / appellant was convicted for the offences U/s.7 and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, and sentenced to undergo two (2) years R.I. and to pay a fine of Rs.10,000/- in default to undergo two (2) months S.I. for offence U/s.7 of the Prevention of Corruption Act, 1988, and sentenced to undergo two (2) years R.I. and to pay a fine of Rs.10,000/- and in default to undergo two (2) months S.I. for offences U/s.13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, by the learned Special Judge to try cases registered under Prevention of Corruption Act, Coimbatore, under judgment in Special C.C.No.69 of 2011 dated 26.11.2024. Hence, the petitioners seek suspension of sentence.

2. The learned counsel for petitioner submits that the trial Court has suspended the sentence imposed on the petitioner till 26.12.2024. The learned counsel further submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions



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in the material particulars between the evidence of the prosecution witnesses.

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



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N.SESHASAYEE, J.

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satisfaction of the learned Special Judge Special try cases registered under Prevention of Corruption Act, Coimbatore, 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.

12.12.2024
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Note: Issue order copy on 12.12.2024

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