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CRL.M.P.No.18017 of 2024
in CrI.A.No.1605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2024

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MR.JUSTICE N.SESHASAYEE

CRL.M.P.No.18017 of 2024
in CrI.A.No.1605 of 2024

K.Semakumar

... Petitioner

Vs.

The State represented by
Inspector of Police
Vigilance and Anti-Corruption Wing
Tiruppur
(Crime No.11/2010/AC/CB)

... Respondent

Prayer: The miscellaneous petition is filed U/s.430 (1) of BNSS Act, 2023, to suspend of the sentence pursuant to the order in Spl.C.C.No.29 of 2014 dated 14.11.2024 pending disposal of the above Criminal Appeal Petition, on the file of the learned Chief Judicial Magistrate / Special Court under the Prevention of Corruption Act, Tiruppur.

For Petitioner : Mr.K.Nagarajan

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 three (3) years R.I. and to pay a fine of Rs.2,000/- in default to undergo one (1) month S.I. for offence U/s.7 of the Prevention of Corruption Act, 1988, and sentenced to undergo three (3) years R.I. and to pay a fine of Rs.2,000/- and 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, by the learned Chief Judicial Magistrate / Special Court under the Prevention of Corruption Act, Tiruppur, under judgment in Special Calender Case No.29 of 2014 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 of the petitioner temporarily. 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. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on the following conditions:-

- a) The petitioner / accused is ordered to be released on bail on his executing 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 learned Chief Judicial Magistrate / Special Court under the Prevention of Corruption Act, Tiruppur.



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N.SESHASAYEE, J.

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- b) The petitioner/ accused and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The petitioner / accused shall appear before the trial Court on the first working day of every English calender month at 10.30 a.m. until the disposal of the Appeal and if he is not able to appear before the trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court or any other day in lieu of his absence, as directed by the trial Court. Such an application shall not be entertained often; and
- d) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

19.12.2024
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Note: Issue order copy on 19.12.2024

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