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Crl.M.P.No.5580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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

Crl.M.P.No.5580 of 2023
in Crl.A.No.440 of 2023

Mariappa

... Petitioner

Vs.

The State Rep by
The Inspector of Police
Vigilance & Anti - Corruption
Vellore.
(Crime No.1/2012)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleased to suspend the substantial sentence imposed on the petitioner in the Judgment in Spl. Case No.2 of 2014 dated 23.03.2023 by the learned Special Judge and Chief Judicial Magistrate, Tiruvannamalai and to enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mrs.Adithya Varadarajan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)



Crl.M.P.No.5580 of 2023

ORDER

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The Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Special Judge and Chief Judicial Magistrate, Tiruvannamalai, in Spl. Case No.2 of 2014 dated 23.03.2023.

2. The conviction and sentence imposed against the petitioner/appellant are as follows:-

<i>Under Sections</i>	<i>Sentence</i>
7 of Prevention of Corruption Act, 1988	One year of rigorous imprisonment and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months
13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	One year of rigorous imprisonment and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months

3. 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. Further he submitted that the trial Court has suspended the sentence for a period of 30 days by order dated 23.03.2023 i.e., till 21.04.2023 and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail.

4. Learned Government Advocate (Crl.Side) appearing for the



Crl.M.P.No.5580 of 2023

respondent submitted that the prosecution has proved its case beyond all reasonable doubts and the trial Court having being convinced with the evidence let in by the prosecution, found the petitioner/appellant guilty and convicted him as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.

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

6. Considering the facts and circumstances of the case and also considering the submissions of 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 is granted, on the following conditions :-

- i. The petitioner/appellant shall execute a 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 Judge and Chief Judicial Magistrate, Tiruvannamalai;

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.M.P.No.5580 of 2023

ksa-2

- 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., starting from May 2023, until further orders.

7. This Criminal Miscellaneous Petition is ordered accordingly.

20.04.2023
(1/3)

ksa-2

Note: Issue Order Copy on 20.04.2023

To

1. The Special Judge and Chief Judicial Magistrate,
Tiruvannamalai.
2. The Inspector of Police
Vigilance & Anti Corruption, Vellore.
3. The Public Prosecutor,
High Court of Madras.

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