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CRL MP No. 10053 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 10053 of 2025

in

CRL A NO. 497 OF 2025

C.Gopal

S/o.Chinnasamy, Now residing at Roja
Nagar, Ammapettai, Erode - 638 311.

Petitioner

Vs

State of Tamil Nadu, Rep. by
The Dy. Superintendent of Police,
Vigilance and Anti-corruption, Erode.
(Crime No.06/AC/2012/ER)

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 415 of BNSS, 2023 praying to suspend the sentence imposed on the petitioner in Special Calendar Case No.47/2015 dated 24.04.2025, on the file of learned Chief Judicial Magistrate/Spl.Judge, Erode and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Appellant: Mr.T.R. Ravi

For Respondent: Mr.R.Vinothraja
Government Advocate (Crl.Side)

**ORDER**

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in Special Calendar Case No.47/2015 dated 24.04.2025, on the file of learned Chief Judicial Magistrate/Spl.Judge, Erode and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The petitioner/A-2 in S.C.C.No.47 of 2015 was convicted by the Trial Court by judgment dated 24.04.2025 for the offences punishable under Section 12 r/w 7 of Prevention and Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months and the petitioner/A-2 was found guilty under Section 109 of IPC r/w Sec.13(2) r/w 13(1) (d) of Prevention and Corruption Act 1988, and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months under Section 248(2) of Cr.P.C. Aggrieved by the same, the present Criminal Appeal has been filed by the



petitioner/A-2 before this Court along with the miscellaneous petition seeking suspension of sentence and bail.

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3. During trial, on the side of the prosecution, PW1 to PW11 was examined and Exs.P.1 to Exs.P17 were marked. On the side of the defence, no witnesses examined and no documents marked. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced, convicted the petitioner/A-2 as stated above.

4. The learned counsel appearing for the petitioner would contend that the trial Court is totally defective since the available evidence are not sufficient to warrant a conviction, hence sentence imposed on the petitioner/A2 may be suspended.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubt and the trial Court on finding the petitioner guilty, convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

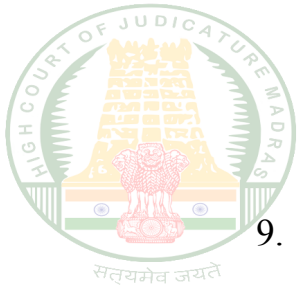


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6. Considering the submissions made by both sides and the fact that the petitioner has raised substantial grounds in the above appeal, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner/A-2.

7. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner/A-2 is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he 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 trial Court.

8. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.



9. Accordingly, this Criminal Miscellaneous Petition is ordered.

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(2/2)

jai/gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Chief Judicial Magistrate/Special Judge, Erode.

2. The Deputy Superintendent of Police,
Vigilance & Anti-Corruption, Erode.

**3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.**



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CRL MP No. 10053 of 2



M.NIRMAL KUMAR J.
jai/gbi

CRL MP No. 10053 of 2025
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(2/2)