



Crl.M.P.No.10156 of 2025 in Crl.A.No.533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2025

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THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN
THILAKAVADI

Crl.M.P.No.10156 of 2025
in Crl.A.No.533 of 2024

K.Janakiraman

... Petitioner

Vs.

1.The Inspector of Police,
Special Investigation Unit
Prevention of Corruption and
Monitoring Unit
Chennai.

2.Nandhakumar

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to suspend the sentence passed in Spl.C.No.23 of 2010 on the file of the Special Chief Judicial Magistrate Court, Chengalpattu dated 09.05.2025, pending disposal of the present criminal appeal.

For Petitioner : Mr.V.Raghavachari
Senior Counsel

For Respondent : Mr.S.Santhosh
Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment dated 09.05.2025 imposed in Spl.C.No.23 of 2010 on the file of the



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Special Chief Judicial Magistrate Court, Chengalpattu, pending disposal

WEB COPY of the criminal appeal.

2. It is the case of the prosecution that the petitioner/2nd accused had demanded a sum of Rs.10,000/- for getting signature of the officers in the cheques.

3. The petitioner, was convicted with 2 years simple imprisonment for the offences under Section 7 of the Prevention of Corruption Act with fine of Rs.10,000/- each and in default with a punishment of 1 month of simple imprisonment and also convicted with 2 years for the offence under Section 13(2) and 13(1)(d) of Prevention of Corruption Act along with the fine of Rs.10,000/- each and in default with imprisonment of 1 month.

4. Heard Mr.V.Raghavachari, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl.Side) appearing for the respondent/State.



5. The learned counsel appearing for the petitioner would submit that when the cheque had already crossed the table on 30.09.2009, PW1, the sanctioning authority should have applied his mind before passing any orders. He further submitted that the complaint as well as the 161 statement read with the evidence of PW2 gives a very clear impression that no offence is made out.

6. The learned Public Prosecutor *per contra* submitted that there is evidence to establish the offence under Section 7 of the Prevention of Corruption Act and 13(2) and 13(1)(d) of Prevention of Corruption Act and no ground has been made out for grant of suspension of sentence.

7. Considering the facts and circumstances of the case, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, this Criminal Miscellaneous Petition is allowed and till the disposal of the Criminal Appeal, the sentence imposed upon the petitioner/accused by the trial Court, is suspended on the following conditions:



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WEB COPY (i) The petitioner shall execute a bond for a sum of Rs.10,000/- , with two sureties, each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu;

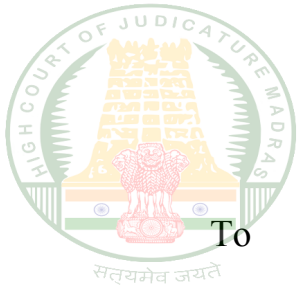
(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every 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, 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.

28.05.2025

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Issue order copy by 29.05.2025
Upload the order copy forthwith.



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To

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1. The Special Judge cum Chief Judicial Magistrate, Chengalpattu;

2. The Inspector of Police,
Special Investigation Unit
Prevention of Corruption and
Monitoring Unit
Chennai.

3. The Public Prosecutor,
Madras High Court.



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K.GOVINDARAJAN THILAKAVADI,J

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