



Crl.M.P. No.13710 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

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THE HONOURABLE MR. JUSTICE **D. BHARATHA CHAKRAVARTHY**

Crl.M.P. No.13710 of 2025
in Crl.A. No.895 of 2025

C. Gopinath

... Petitioner/ Appellant/ A2

Vs.

State represented by,
The Inspector of Police,
Vigilance and Anti-corruption,
Chennai.
Crime No.01/AC/2015/ SIC

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 430(2) of BNSS, 2023 pleaded to suspend the sentence imposed on the petitioner herein by the Trial Court in the Judgment dated 02.07.2025 in C.C.No.03 of 2016 on the file of the Special Court for the Cases under Prevention of Corruption Act, at Chennai - 104, pending disposal of the above Criminal Appeal by allowing this petition.

For Petitioner : Mr. K. Premkumar

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



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ORDER

This Criminal Miscellaneous Petition is filed seeking suspension of sentences imposed on the petitioner/ A2 by the learned Special Judge, Special Court for the Cases under Prevention of Corruption Act, at Chennai - 104, vide judgment dated 02.07.2025 in C.C.No.03 of 2016.

2. The conviction and sentence imposed against the petitioner herein/ A2 is as follows:-

<i>Under Section</i>	<i>Sentence</i>
Section 12 of Prevention of Corruption Act, 1988	Sentenced to undergo RI for 4 years and to pay a fine of Rs.50,000/- i/d to undergo three months simple imprisonment
Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 r/w. 109 IPC	Sentenced to undergo RI for 5 years and to pay a fine of R.50,000/- i/d to undergo six months simple imprisonment

3. The learned counsel for the petitioner/ appellant/ A2 would point out the various grounds that are raised in the appeal and would submit that the appellant has got *prima facie* case in the appeal and prays for suspension of sentence.



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4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would oppose the prayer by submitting that this is the case where the prosecution has proved the offence beyond any reasonable doubt and there are absolutely no merits in the appeal that has been filed by the appellant. As far the merits of the matter is concerned, the learned Government Advocate (Crl. Side) would submit that the counter is being prepared and would require some more time.

5. I have considered the rival submissions made on either side and perused the material records of this case.

6. It can be seen that the appellant surrendered after the judgment and now undergoing the sentence and the fine amount has also been paid. Considering the fact that the appeal is likely to take some time for disposal, and taking into account the overall facts and circumstances of the case, this Court is of the view that the sentence of imprisonment can be suspended subject to certain conditions.



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7. Accordingly, the sentence of imprisonment alone stands suspended, till the disposal of this appeal on the following conditions :-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a like sum to the satisfaction of the Trial Court concerned;

(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;

(iii) The petitioner shall appear before the Trial Court concerned once in three months i.e., on the first working day of the English Calendar month at 10.30 a.m.;

8. Accordingly, this Criminal Miscellaneous Petition stands ordered.

15.07.2025

stn



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To

1. The Special Judge,
Special Court for the Cases under Prevention of Corruption Act,
At Chennai - 104.
2. The Inspector of Police,
Vigilance and Anti-corruption,
Chennai.
Crime No.01/AC/2015/ SIC
3. The Government Advocate (Crl.Side)
High Court of Madras.



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D. BHARATHA CHAKRAVARTHY, J.
stn

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