



Crl.M.P.No.14029 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

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

Crl.MP.No.14029 of 2025

in

Crl.A.No.991 of 2025

S.Mohan

... Petitioner

Vs.

State represented by
The Deputy Superintendent of Police,
Special Investigation Cell,
Vigilance and Anti-corruption,
Chennai - 600 028.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 and 483 of B.N.S.S, 2023 to suspend the sentence imposed by the learned Special Judge for the case under Prevention of Corruption Act - Chennai in CC.No.3/2025 (Old C.C.No.8/2010 and Old C.C.No.33/2011) in Cr.No.12/AC/2008/SIC CNR No.THCH08-000146-2025 dated 30.06.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.V.Chandrasekaran

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

ORDER



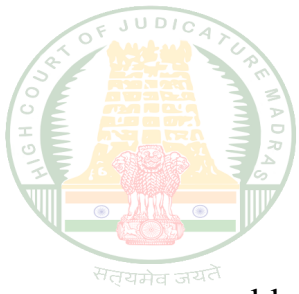
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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of the sentence imposed by the Trial Court in CC.No.3/2025 (Old C.C.No.8/2010 and Old C.C.No.33/2011) in Cr.No.12/AC/2008/SIC CNR No.THCH08-000146-2025 on the file of the learned Special Judge for the case under Prevention of Corruption Act, Chennai dated 30.06.2025.

2. The petitioner was found guilty of commission of offence under Section 7 and 13(2)r/w 13(1)(d) of Prevention of Corruption Act, 1988. For the offence punishable under Section 7 of Prevention of Corruption Act, 1988, the petitioner was sentenced to undergo four years R.I. and shall pay a fine of Rs.1,00,000/- in default to undergo three months S.I. For the offence punishable under Section 13(1)(d) of Prevention of Corruption Act, 1988, the petitioner was sentenced to undergo five years of R.I. and shall pay a fine of Rs.1,00,000/- in default to undergo six months S.I. The sentence of imprisonment imposed for each offence shall run concurrently. The period of sentence already undergone by the accused if any is ordered to set off u/s.428 Cr.P.C.Total fine amount Rs.2,00,000/- by a Judgment dated 30.06.2025 in C.C.No.3 of 2025.

3. According to the learned counsel for the petitioner, there are



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arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner may be suspended and the petitioner may be enlarged with bail. By pointing out various grounds that are raised in the appeal, the learned Counsel would further submit that the appellant has got prima facie case and would pray for suspension of sentence. He would also submit that the fine amount is already paid.

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

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



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6. Considering the fact that the appeal is likely to take some time for disposal and taking into 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.

7. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence is granted, 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;

(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 at 10.30 a.m., on the first working day once in every three months, 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 355 of BNSS, 2023 and shall appear before the trial Court



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on any other day in lieu of the date of his absence, as
directed by the trial Court;

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

22.07.2025

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D.BHARATHA CHAKRAVARTHY, J.
veda

To

1. The Special Judge for the case
under Prevention of Corruption Act, Chennai.
2. The Superintendent of Police,
Central Prison, Puzhal, Chennai.
3. The Deputy Superintendent of Police,
Special Investigation Cell,
Vigilance and Anti-corruption,
Chennai - 600 028.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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