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Crl.M.P.No.15851 of 2025
in Crl.A.No.1286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.15851 of 2025

in

Crl.A.No.1286 of 2025

R.Sivaramakrishnan

... Petitioner/A2

Vs.

The State rep by
The Inspector of Police,
Central Bureau of Investigation (CBI),
Crime No.RC MAI 2017 A0013 of CBI,
ACB, Chennai.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 to suspend the sentence of imprisonment to undergo rigorous imprisonment for 5 years on the charges for the offence under Section 120B of IPC read with Section 7 of Prevention of Corruption Act and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act and also convicted under Section 235(2) of Cr.P.C. in Spl.C.C.No.2 of 2017 against the petitioner/Appellant/A2 by the learned Special Judge (Under Corruption and Prevention Act) and (Under POCSO Act, 2012) Karaikal and enlarge the petitioner/Appellant on bail, pending disposal of the above Criminal Appeal.



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For petitioner : Mr.R.Karunakaran

For Respondent : Mr.N.Baaskaran
Special Public Prosecutor (CBI Cases)

ORDER

The petitioner/A2 in Spl.C.C.No.02 of 2017 was convicted by the trial Court by the judgment dated 07.07.2025 for the offences under Sections 120-B of I.P.C. r/w Section 7 of Prevention of Corruption Act (hereinafter 'PC Act') and Sections 7, 13(2) r/w 13(1)(d) of PC Act and sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo three months simple imprisonment, for the offence under 120-B of I.P.C. r/w Section 7 of the PC Act, sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 7 of the PC Act and sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo three months simple imprisonment, for the offence under Sections 13(2) r/w 13(1)(d) of the PC Act. Aggrieved



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against the same, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The learned counsel for petitioner submitted that the trial Court merely gone on surmises and conjectures, not weighed the evidence in its proper form and convicted the petitioner. The de-facto complainant/PW2 and the shadow witness/PW3 has categorically stated that the bribe money was received by the petitioner/A2 from PW2 and kept in his pant pocket. But the trap laying officer did not recover the bribe money from the pant pocket of petitioner. The prosecution states that the bribe money was recovered from the cash box. The learned counsel further submitted that the petitioner had paid the fine amount, further, the petitioner has arguable points and fair chance of success in this appeal. He further submitted that the sentence imposed on the co-accused/A1 has already been suspended by this Court on 06.08.2025 in Crl.M.P.No.14382 of 2025 in Crl.A.No.1043 of 2025. Hence, he prayed for granting suspension of sentence to the petitioner.



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3.The learned Special Public Prosecutor on the other hand submitted that during trial, on the side of the prosecution PW1 to PW17 examined, Exs.P1 to P63 marked and M.O.1 to M.O.13 produced. On the side of the defence, one G.Muthukumar, Document Writer examined as DW1 and Ex.D1 marked. The trial Court on the evidence and materials produced, had rightly convicted the petitioner. He further submitted that the sentence of the co-accused/A1 has been suspended by this Court on 06.08.2025 in Crl.M.P.No.14382 of 2025 in Crl.A.No.1043 of 2025.

4.Considering the fact that there are substantial grounds raised in the above appeal, which requires consideration and the sentence imposed on the co-accused/A1 has been already suspended by this Court and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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5. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner 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.

6. 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.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

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M. NIRMAL KUMAR, J.

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To

- 1.The Special Judge
Special Court (under Prevention of Corruption Act),
Karaikal.
- 2.The Inspector of Police,
Central Bureau of Investigation (CBI),
ACB, Chennai.
- 3.The Superintendent,
Central Prison, Puducherry.
- 4.The Public Prosecutor,
High Court, Madras.

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