

Crl.MP.No.10245 of 2016

in

Crl.A.No.714 of 2016

P.N.PRAKASH, J.,

The petitioner/accused is found guilty u/s 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 (hereinafter referred to as the Act) and the accused is convicted and sentenced to undergo R.I. for 1 year and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for 3 months under section 7 of the Act and sentenced to undergo R.I. for 2 years to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for 3 months under Section 13(2) r/w 13(1)(d) of the Act. The sentence imposed for both the offences were directed to run concurrently. Therefore, he has come forward with this petition seeking for the relief of the suspension of his sentence, pending appeal.

2. The learned counsel for the petitioner/appellant/accused has submitted that the petitioner has paid the fine amount and he further submitted that the petitioner is incarceration from 19.09.2016.

3. I have carefully considered the rival contentions put forward by either side and also perused the entire materials available on record including the impugned judgment of conviction.

P.N.PRAKASH, J.,

sms

4.Considering the facts and circumstances of the case and also considering the submission of the learned Counsel for the petitioner as he has pointed out several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, I am of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.

5.Accordingly, the substantive sentences of imprisonment alone are suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- [Rupees Fifteen thousand only] with two sureties each for a like sum to the satisfaction of the Special Judge and Chief Judicial Magistrate, Thiruvallur and on further condition that the Petitioner/Appellant/Accused shall appear before the said Court on the first working day of every English calender month at 11.00 a.m. till the disposal of the Criminal Appeal.

Accordingly, Criminal M.P.No.10245 of 2016 is ordered.

29.09.2016

sms

Crl.MP.No.10245 of 2016

in
Crl.A.No.714 of 2016