

Crl.M.P.No.5562 of 2016
in
CRL.A.No.366 of 2016

V.BHARATHIDASAN, J.

The petitioner, who is the sole accused in this case has been convicted for the offences u/s. 7 and 13(2) r/w.13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo one year rigorous imprisonment and to pay fine of Rs.2000/- and in default, to undergo three months rigorous imprisonment for the offence under Section 7 of Prevention of Corruption Act and one year rigorous imprisonment and to pay a fine of Rs.3,000/- and in default, to undergo three months rigorous imprisonment for the offence under Section 13(2) r/w.13(1)(d) of Prevention of Corruption Act and the sentences are ordered to run concurrently, by the judgment of the learned Special Judge/Chief Judicial Magistrate, Vellore in Special Case No.1/2003 dated 25.04.2016. Hence the petitioner has come forward with this petition seeking for the relief of the suspension of sentence pending appeal.

2. The case of the prosecution is that the petitioner demanded a bribe of Rs.500/- and accepted an amount of Rs.400/- for doing an official act and thereby committed criminal misconduct and hence the present case has been registered.

3. The learned counsel for the petitioner would contend that the prosecution has not proved its case beyond reasonable doubt and the same suffers from serious infirmities and inconsistencies. Hence, it is submitted that the petitioner is entitled for the suspension of sentence.

4. Per contra, learned Additional Public Prosecutor contended that the entire case is based on oral and documentary evidence and the Trial Court correctly appreciated the same and convicted the appellant and there is no infirmity or irregularity in the judgment of the Trial Court.

5. This Court 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. A perusal of the materials on records and the contentions of the learned counsel for the petitioner shows that there are arguable points involved in this appeal.

6. Considering the facts and circumstances of the case and also considering the submissions 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, this Court is of the considered view that the petitioner herein is entitled for the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is 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.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Vellore and on further condition that the petitioner shall appear before before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

12.05.2016

vrc/gv

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Heard the learned counsel for the appellant.

2. Admit this Criminal Appeal.

3. The learned Additional Public Prosecutor takes notice for the respondent and seeks time to file counter.

4. Call for the records from the Trial Court.

5. Post after vacation.

12.05.2016

vrc/gv