

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.12934 of 2017

IN CRL A.649/2017

GOPALAN,

[APPELLANT/ACCUSED]

Vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THIRUCHY.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.649 OF 2017 on the file of the High Court, the High Court will be pleased to suspending the sentence imposed in Spl.Case No.6/2012 dated 04.10.2017 passed by the Chief Judicial Magistrate/Special Judge, Ariyalur and enlarged the petitioner on bail pending disposal of the above Crl.A.649 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.649 of 2017 on the file of the High Court and upon hearing the arguments of MR.P.TAMILAVEL, Advocate for the petitioner and of MR. P.GOVINDARAJAN, ADDL. PUBLIC PROSECUTOR (V & AC) on behalf of the Respondent the court made the following order:-

Seeking to suspend the sentence imposed on the petitioner by the learned Special Judge, Ariyalur in Spl.Case No.06 of 2012 dated 04.10.2017 for the offence under Sections 7 & 13(2) r/w 13(1d) of the Prevention of Corruption Act 1988 and enlarge the petitioner on bail, the petitioner is before this Court with this petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. On a perusal of the counter affidavit filed by the respondent, it is found that the petitioner / A-1 has been sentenced to undergo five years simple imprisonment and to pay fine of Rs.5,000/- in default of payment of fine, to undergo further one year simple imprisonment under Section 7 of the Prevention of Corruption Act 1988 and to undergo seven years Simple Imprisonment and to pay fine of Rs.5,000/- in default of payment of fine, to undergo further one year Simple Imprisonment under Section 13(2) r/w 13(1)(d) of the

Prevention of Corruption Act, 1988 for receiving bribe of Rs.500/-.

4. The explanation submitted by the petitioner/A-1 is that the said money was received towards the registration fee of Power of Attorney document and a sum of Rs.150/- was retained and a change of Rs.350/- was returned back to the de-facto complainant. However, the trial Court has not accepted the same, in view of the overwhelming evidences in favour of the prosecution.

5. Since this Court has admitted the appeal to re-appreciate the evidence, sentence of imprisonment alone is suspended to the petitioner/A-1 on conditions that:-

(i) The petitioner/A-1 shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate/ Special Judge, Ariyalur.

(ii) The petitioner/A-1 shall appear before the Chief Judicial Magistrate/ Special Judge, Ariyalur on the 10th day of every English calendar month at 10.30 a.m until further orders.

-sd/-
14/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, ARIYALUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE ADDL. PUBLIC PROSECUTOR
FOR (V & AC) HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, THIRUCHY.

+1 C.C. to M/S.P.TAMILAVEL Advocate on payment of necessary charges-Sr.20891

Order

in
CRL MP.12934/2017

in
CRL A.649/2017

Date :14/11/2017

From 7.2.2001 the Registry is issuing certified
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ths : 15.11.2017