

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G.JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.14607 of 2017

IN CRL A.733/2017

R.SAMUEL,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI.
CR.NO.20 OF 2009.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.733 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner herein by the Learned On the file of the Special Court for the cases under Prevention of Corruption Act at Chennai, convicting the Appellant / Accused herein for the offence under Section 7 of the Prevention of the Corruption Act 1988 and sentencing him to undergo Rigorous imprisonment of one year and to pay fine of Rs.1000/- in default to undergo 3 months Simple Imprisonment and also convicting the Appellant herein for the Prevention of Corruption Act and Sentencing him to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment and the sentences to run concurrently and enlarge him on bail, pending disposal of the above Crl.A.No.733 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.733 of 2017 on the file of the High Court and upon hearing the arguments of M/S.L.MAHENDRAN, 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/accused by the learned Special Judge for the Cases under Prevention of Corruption Act, Chennai in C.C.No.125 of 2011 (old C.C.No.19 of 2011) dated 14.11.2017 u/s 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act ,1988 and to suspend the sentence of imprisonment imposed on the petitioner/accused, the petitioner/accused 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. The petitioner / accused was convicted in C.C.No.125 of 2011 (old C.C.No.19 of 2011) dated 14.11.2017 by the learned Special Judge for the Cases under Prevention of Corruption Act, Chennai and sentenced for the offences under Section 7 to undergo one year rigorous imprisonment and to pay a fine of Rs.1000/- in default of payment of fine, to undergo 3 months simple imprisonment and under Section 13(2) r/w 13(1)(d) to undergo 2 years rigorous imprisonment and pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment of the Prevention of Corruption Act, 1988. The sentence of imprisonment imposed on the petitioner/accused for each offence shall run concurrently.

4. Considering the ground of appeal raised in the appeal, sentence alone is suspended on condition that:-

(i) The petitioner/accused 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 Special Judge for the Cases under Prevention of Corruption Act, Chennai

(ii) The petitioner/ accused shall appear before the learned Special Judge for the Cases under Prevention of Corruption Act, Chennai on the first working day of every English calendar month at 10.30 a.m until further orders.

-sd/-
22/11/2017

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 SPECIAL JUDGE FOR THE
CASES UNDER PREVENTION OF CORRUPTION ACT,
CHENNAI.

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

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI

+1 C.C. to M/S.L.MAHENDRAN Advocate on payment of necessary
charges-Sr.21303

Order

in
CRL MP.14607/2017

in
CRL A.733/2017

Date :22/11/2017

From 7.2.2001 the Registry is issuing certified
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ths : 22.11.2017