

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.14700 of 2017

IN CRL A.743/2017

C.C.NO.13 OF 2013

[ON THE FIEL OF THE SPECIAL JUDGE FOR CASES UNDER

P.C.ACT,1988,CHENNAI]

P.L.GABRIEL

[PETITIONER]

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION,
CITY SPECIAL UNIT-III,
CHENNAI.
(CR.NO.14/AC/2012/CC-II).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.743/2017 on the file of the High Court, the High Court will be pleased to suspending the sentence imposed in C.C.No.13 of 2013 dated 27.10.2017 on the learned Special Judge for the Cases Under Prevention of Corruption Act, 1998, Chennai pending disposal of C.A.No.SR52197/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.743/2017 on the file of the High Court and upon hearing the arguments of M/S.T.MURUGANANTHAM Advocate for the petitioner and of MR.P.GOVINDARAJAN ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Seeking to suspend the sentence imposed on the appellant/accused by the learned Special Judge,(for the cases under Prevention of Corruption Act, 1988) Chennai on 27.10.2017, in C.C.No.13 of 2013 and to enlarge the appellant/accused on bail pending disposal of criminal appeal No.SR.52197 of 2017, the appellant/accused is before this Court with this petition.

2. Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor (Criminal Side) appearing for the respondent.

3. The Trial Court has convicted the petitioner/ accused for the offences under sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 in C.C.No.13 of 2013 on 27.10.2017 and sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to pay fine, to undergo 3 months simple imprisonment under Section 7 of the Prevention of Corruption Act, 1988 and to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to pay fine, to undergo 3 months simple imprisonment under section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. Since arguable points have been raised in the appeal, this criminal miscellaneous petition is allowed and the order passed by the Learned Special Judge, (for the cases under Prevention of Corruption Act) Chennai on 27.10.2017 in C.C.No.13 of 2013, is suspended on the following conditions:-

(i) The appellant/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 Court, for the cases under Prevention of Corruption Act, Chennai. The time for furnishing the bond along with the sureties is 15 days.

(ii) Further, the appellant /accused shall appear before the 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/-

23/11/2017

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 PUBLIC PROSECUTOR[V &AC]
HIGH COURT, MADRAS.

3 STATE REPRESENTED BY
INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION,
CITY SPECIAL UNIT-III, CHENNAI.

+1 C.C. to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO. 21440

Order

in
CRL MP.14700/2017

in
CRL A.743/2017

Date :23/11/2017

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RD 24/11/2017