

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.1540 of 2017

IN CRL A.54/2017

S.SUNDAR,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY,
DEPUTY SUPERINTENDENT OF POLICE,
DVAC, CITY SPECIAL UNIT 3,
CHENNAI-600 008.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.54 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Special Judge and Chief Judicial Magistrate at Chengalpattu in Special C.C.No.17 of 2012 dated 18.01.2017 against the petitioner and release him on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.54 of 2017 on the file of the High Court and upon hearing the arguments of M/S.SUNDER MOHAN, Advocate for the petitioner and of MR. E.RAJA, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner, who is the accused in Special C.C.No.17 of 2012 on the file of the Special Judge and Chief Judicial Magistrate, Chengalpattu, seeks suspension of the execution of the sentence, dated 18.01.2017, pending disposal of the above appeal.

2. After trial, petitioner was convicted and sentenced as under:-

Conviction	Sentence
(i)Section 167 IPC	3 years S.I., and fine of Rs.5000/-, i/d.5 months SI.
(ii)Section 409 IPC	7 years RI, and fine of Rs.5000/- i/d. 5 months SI
(iii) Section 420 IPC	3 years SI and fine of Rs.5000/- i/d.5 months SI

Conviction	Sentence
(iv) Section 467 IPC	7 years SI and fine of Rs.5000/- i/d.5 months SI
(v) Section 468 IPC	3 years SI and fine of Rs.5000/- i/d.5 months SI
(vi) Section 477 (A) IPC	3 years SI and fine of Rs.5000/- i/d.5 months SI.
(vii) Section 13(1) (c) (d) r/w. Section 13(2) of Prevention of Corruption Act, 1988	4 years SI and fine of Rs.5000/- i/d.5 months SI.
Sentences awarded were ordered to run concurrently.	Total fine imposed is Rs.35,000/-.

3. The learned counsel for the petitioner submits that the appellant/petitioner has a fair chance of success in appeal and that there is a prima facie case in favour of the petitioner. He also submits that fine amount has been paid.

4. The learned Government Advocate (Criminal Side) appearing for the State, by filing parawar remarks, would submit that on consideration of entire materials on record, the trial court has rightly found the petitioner guilty and convicted him and there is no prima facie case in favour of the petitioner.

5. I have considered the rival submissions, perused the judgment of the trial court and the evidence pointed out by either side.

6. Considering the facts and circumstances of the case, I find that some arguable points are involved in this criminal appeal, which are required to be examined in detail. Accordingly, finding a prima facie case in favour of the petitioner, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/appellant.

(b) His sentence of imprisonment alone is suspended on condition that the petitioner executes 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 learned Special Judge and Chief Judicial Magistrate, Chengalpattu;

(c) Petitioner shall report before the said court on the first working day of every month at 10.30 am., until further orders.

-sd/-
14/02/2017

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
AND CHIEF JUDICIAL MAGISTRATE, CHENGALPATTU.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
DVAC, CITY SPECIAL UNIT 3,
CHENNAI-600 008.

+2 C.C. to M/S.SUNDER MOHAN Advocate on payment of necessary charges-Sr.3027

Order

in
CRL MP.1540/2017

in
CRL A.54/2017

Date :14/02/2017

From 7.2.2001 the Registry is issuing certified
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ths : 15.02.2017