

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.15668 of 2017

IN CRL A.132/2010

R.GUNASEKARAN

[PETITIONER]

Vs

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
CITY II DETACHMENT, CHENNAI.
(CRIME NO.6/AC/2004/CC-II).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.132/2010 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Crl.Appeal No.132 of 2010 for a period till the filing of appeal before the Supreme Court and may pass any other order or orders as this Honble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A. No.132/2010 on the file of the High Court and upon hearing the arguments of M/S.T.K.S.GANDHI, Advocate for the petitioner and of MR.P.GOVINDARAJAN ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by this Court in Crl.A.No.132 of 2010 dated 08.12.2017.

2. The learned counsel for the petitioner submitted that the petitioner was found guilty under Sections 7 and 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. This Court convicted the petitioner under Sections 7 and 13(2) r/w 13(1) (d) of the Prevention of Corruption Act and sentenced him to undergo six months rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo two months simple imprisonment.

3. The learned Additional Public Prosecutor (Crl.Side) vehemently objected that this Court after analysing the case

records rightly convicted the accused. Hence, he objects for granting suspend the sentence.

4. Heard the rival submissions made on either side.

5. The petitioner has filed this application to suspend the sentence and seeks time to prefer Special Leave Petition before the Hon'ble Supreme Court and due to ensuing festival holidays, he seeks extension of time for surrender. Since, the petitioner is acquitted in CC.No.29 of 2006 dated 13.11.2009 on the file of the II Additional Special Judge, Chennai and this Court reversed the order of the acquittal, hence the petitioner is entitled to prefer appeal before the Hon'ble Supreme Court. During the appeal period, I am inclined to grant suspension of sentence for a period of 60days, from today.

6. This petition is ordered, accordingly.

-sd/-

08/12/2017

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 II ADDITIONAL
SPECIAL JUDGE, CHENNAI

2 STATE REPRESENTED BY
THE INSPECTOR OF POLICE, VIGILANCE & ANTI
CORRUPTION, CITY II DETACHMENT, CHENNAI.
(CRIME NO.6/AC/2004/CC-II).

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.T.K.S.GANDHI Advocate on payment of
necessary charges Sr.NO.87912

Order

in

CRL MP.15668/2017

in

CRL A.132/2010

Date :08/12/2017

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