

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.2206 of 2017

IN CRL A.72/2017

T.R.MOTILAL

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
CHENNAI CITY II, VIGILANCE AND ANTI CORRUPTION,
NANDANAM, CHENNAI 35
CR.NO.3/AC/2005/CC-1

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.72 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by an order dated 23/01/2017, passed in CC.No.26/2011, on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai and acquit and pass any other orders.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.72 of 2017 on the file of the High Court and upon hearing the arguments of M/S.M.MOHAMMED RAFI, Advocate for the petitioner and of M/S. E.RAJA, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner, who is the 1st accused in C.C.No.26 of 2011 (Old C.C.No.6/2009) on the file of the Special Court for the cases under Prevention of Corruption Act, Chennai, seeks suspension of the sentence, dated 23.01.2017, pending disposal of the above appeal.

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

Conviction	Sentence
(i)u/s.7 of Prevention of Corruption Act, 1988.	1 year RI and a fine of Rs.1000/- i/d.3 months SI
(ii)u/s.13(2) r/w.13(1)(d) of PC Act.	2 years RI and a fine of Rs.1000/- i/d.3 months SI.
Sentences awarded were ordered to run concurrently.	Total fine imposed is Rs.2,000/-

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, 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, Special Court for the cases under Prevention of Corruption Act, Chennai.

(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,
SPECIAL COURT FOR THE CASES UNDER PREVENTION
OF CORRUPTION ACT, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CHENNAI CITY II VIGILANCE AND ANTI
CORRUPTION, NANDANAM, CHENNAI 35

C.C. to M/S.M.MOHAMMED RAFI Advocate on payment of necessary
charges

Order

in
CRL MP.2206/2017

in
CRL A.72/2017

Date :14/02/2017

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RVR 15/02/2017