

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.2757 of 2017

IN CRL A.96/2017

S.SIVAKUMAR

[PETITIONER]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION,
KRISHNAGIRI.
CR.NO.2/2014/AC/KG V&AC,
KRISHNAGIRI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.96 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed by the trail court the Chief Judicial Magistrate, Krishnagiri dated 16-02-2017 Special Calendar Case No.5 of 2015 and direct the release of the petitioner/Appellant on pending disposal of the Crl.A.No.96/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.96 of 2017 on the file of the High Court and upon hearing the arguments of M/S.KINGSTON JEROLD, Advocate for the petitioner and of MR. E.RAJA, ADDL. PUBLIC PROSECUTOR (V & AC) on behalf of the Respondent the court made the following order:-

The petitioner, who is the accused in Special Calendar Case No.5 of 2015 on the file of Chief Judicial Magistrate, Krishnagiri, seeks suspension of sentence, dated 16.02.2017, pending disposal of the above appeal.

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

Conviction	Sentence
u/s.7 of Prevention of Corruption Act, 1988	6 months R.I and to pay a fine of Rs.1000/- in default S.I for one month.

Conviction	Sentence
u/s.13(1) (d) r/w.13(2) of Prevention of Corruption Act, 1988.	1 year R.I and to pay a fine of Rs.1000/-, in default S.I for 1 month.

3. The learned counsel for the petitioner submits that there are several infirmities in the prosecution case and the trial court has already suspended the sentence till 02.03.2017. The learned counsel for the petitioner further submits that the petitioner paid the entire fine amount before the trial court.

4. Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the petitioner.

5. I have carefully considered the submissions of both sides and also perused the impugned judgment of conviction.

6. Considering the submission made by the learned counsel for the petitioner that there are certain infirmities in the prosecution and there is a prima facie case in favour of the petitioner and that the trial court has suspended the sentence till 02.03.2017, this court is constrained to grant the relief of suspension of sentence.

7. Accordingly, (a) Appeal bail is granted to the petitioner/appellant; (b) the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Krishnagiri, and on further condition that (c) the petitioner shall appear before the said court on the first working day of every month at 10.30 am., until further orders.

-sd/-
23/02/2017

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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI.

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

3 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION,
KRISHNAGIRI.

+1 C.C. to M/S.KINGSTON JEROLD Advocate on payment of necessary
charges-Sr.3620

Order

in
CRL MP.2757/2017

in
CRL A.96/2017

Date :23/02/2017

From 7.2.2001 the Registry is issuing certified
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ths : 27.02.2017