

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.3247 of 2017

IN CRL A.115/2017

L.SAGAYARAJ,

[PETITIONER]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
CHENNAI CITY-III,
NANDANAM, CHENNAI 35

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.115/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence suspend the sentence of 1 year RI and fine of Rs.1000/- in default to undergo 3 months simple imprisonment under section 7 of the Prevention of Corruption Act, 1988 and sentence of 2yr RI and fine of Rs.1000/- in default to undergo 3 months SI U/S 13(2) R/W 13(a)(d) imposed by the Learned Special Judge for the cases under Prevention of Corruption Act, Chennai in CC No.145/2011 dated 09/02/2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.115/2017 on the file of the High Court and upon hearing the arguments of MR.M/S.R.ANITHA Advocate for the petitioner and of MR.E.RAJA PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner, who is the sole accused in C.C.No.145 of 2011 (Old C.C.No.3 of 2011) on the file of the learned Special Judge for the cases under Prevention of Corruption Act, Chennai seeks suspension of sentence, against the sentence imposed, by judgment dated 09.02.2017 by granting his appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal.

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

(a) Under Section 7 of Prevention of Corruption Act, 1988 sentenced to undergo 1 year Rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment.

(b) Under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo 3 months simple imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of success in the appeal. He also submitted that the petitioner has paid the fine amount of Rs.2000/- on 09.02.2017 before the trial court. In the circumstances, he may be granted bail.

4. Heard the learned Special Public Prosecutor appearing for the State.

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

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

-sd/-

03/03/2017

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
HIGH COURT, MADRAS.

4 STATE REP BY,
INSPECTOR OF POLICE, VIGILANCE AND
ANTICORRUPTION, CHENNAI CITY-III,
NANDANAM, CHENNAI 35

+1 C.C. to M/S.R.ANITHA Advocate on payment of necessary
charges SR.NO. 4108

Order

in
CRL MP.3247/2017

in
CRL A.115/2017

Date :03/03/2017

From 7.2.2001 the Registry is issuing certified
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RD 06/03/2017