

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.36 of 2017

IN CRL A.3/2017

K.VAITHIYANATHAN

[PETITIONER]

Vs

THE STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
ARIYALUR.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.3/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Spl.S.C.No.1/2013 on the file of the Chief Judicial Magistrate/Special Judge for Vigilance and Anti-corruption Cases, Ariyalur on 29.12.2016 and enlarge the petitioner on bail till the disposal of CRL A.3/2017 2016 on the file of this Honble Court.

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in CRL A.3/2017 On the file of the High Court and upon hearing the arguments of MR.N.R. ELANGO, SENIOR COUNSEL FOR M/S.R.VIVEKANANTHAN, Advocate for the petitioner and of MR.E.KUMAR, PUBLIC PROSECUTOR (V & AC) on behalf of the Respondents the court made the following order:-

The petitioner, who is the accused in Spl.Case No.1 of 2013 on the file of Chief Judicial Magistrate, Special Judge, Ariyalur seeks suspension of sentence of imprisonment imposed on him, by judgment dated 29.12.2016, and further seeks to enlarge him on bail, pending disposal of the above criminal appeal.

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

Conviction	Sentence
Under Section 7 of the Prevention of Corruption Act 1988.	Five years S.I., and fine of Rs.10,000/-, in default, to undergo 1 year S.I.
Under Section 13(2) r/w 13 (1)(d) of the Prevention of Corruption Act 1988	7 years S.I., and fine of Rs.15,000/-, in default, to undergo 1 year S.I. (Total fine imposed Rs.25,000/-) The sentences to run concurrently.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of success in the appeal and there are triable issues in the main criminal appeal. He also submitted that the petitioner has paid the fine amount of Rs.25,000/- 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. Against the conviction and sentence passed by the trial court, Criminal Appeal No.3 of 2017 has been preferred on the file of this court. 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.

(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 Chief Judicial Magistrate, Special Judge for Vigilance and Anti-Corruption Cases, Ariyalur.

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

-sd/-

19/01/2017

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/
SPECIAL JUDGE FOR VIGILANCE AND ANTI-
CORRUPTION CASES, ARIYALUR

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

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
ARIYALUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

+1 C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of
necessary charges SR.No.1317

Order

in
CRL MP.36/2017

in
CRL A.3/2017

Date :19/01/2017

From 7.2.2001 the Registry is issuing certified
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MSI 20/01/2017