

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of March Two Thousand Seventeen

PRESENT

The Hon `ble Mr Justice T.MATHIVANAN

CRIMINAL MISCELLANEOUS PETITION No.3793 of 2017

IN CRL A.146/2017

1 A.MANI @ MANIAMMAL,
2 A.YUVARAJA,

[PETITIONERS]

Vs

1 STATE BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
DHARMAPURI.
CE.NO.7/AC/2004

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.146/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the learned Special Judge (Chief Judicial Magistrate), Dharmapuri in Spl.C.C.No.16 of 2008 dated 07.03.2017 by which the accused/Appellants were convicted, pending disposal of the above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Appeal No.146/2017 on the file of the High Court and upon hearing the arguments of MR.M/S.C.MUNUSAMY Advocate for the petitioner and of MR.E.RAJA ADDITIONAL PUBLIC PROSECUTOR[V & AC] on behalf of the Respondent the court made the following order:-

The petitioners herein stood convicted for the offences under Sections 13(2) r/w. 13(1)(e) of the Prevention of Corruption Act, 1988, in Spl.C.C.No.16 of 2008 on the file of the learned Special Judge (Chief Judicial Magistrate), Dharmapuri and sentenced to suffer two years of simple Imprisonment and to pay a fine of Rs.25,000/- each, in default to suffer a further period of three months of simple Imprisonment. The sentences were directed to run concurrently.

2. It is brought to the notice of this Court that the trial court, after recording the conviction and sentence, had suspended the sentence imposed on the petitioners for a period of thirty days.

3. This petition has been filed by the petitioners to suspend the sentence till the disposal of the main appeal.

4. The Learned counsel submits that there are several infirmities

and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidences of the prosecution witnesses.

5. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

6. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by the learned counsel for petitioner, and further, since the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the substantive portion of the sentence imposed on the petitioner is liable to be suspended.

Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 (Chief Judicial Magistrate), Dharmapuri and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
13/03/2017

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
[CHIEF JUDICIAL MAGISTRATE], DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
DHARMAPURI.

+1 C.C. to M/S.C.MUNUSAMY Advocate on payment of necessary charges SR.NO. 4677

Order

in
CRL MP.3793/2017

in
CRL A.146/2017

Date :13/03/2017

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