

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of March Two Thousand Seventeen

PRESENT

The Hon `ble Mr Justice T.MATHIVANAN

CRIMINAL MISCELLANEOUS PETITION No.3839 of 2017

IN CRL A.147/2017

M.MANI

[PETITIONER]

Vs

DEPUTY SUPERINTENDENT OF [RESPONDENT]
POLICE,VIGILANCE AND ANTI CORRUPTION,
KRISHNAGIRI.
CR.NO.6/AC/2010 KG V& AC

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) set aside the judgement dated 04.03.2017 passed in Spl.C.C.No.4 of 2012 on the file of the Judicial Magistrate, Krishnagiri and allow the criminal appeal and thus render justice IN CRL.MP.NO. 3839 OF 2017

(ii)suspend the sentence imposed in judgment dated 04.03.2017 passed in Spl.C.C.No.4 of 212 on the file of the Chief Judicial Magistrate, Krishnagiri pending disposal of the above IN CRL.MP.NO. 3839 OF 2017 [IN CRL A.147 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.EZHILARASAN, Advocate for the petitioner and of MR .E.RAJA ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondents the court made the following order:-

The petitioners herein stood convicted for the offences under Sections 7 and 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988, in Spl.C.C.No.04 of 2012 on the file of the learned Special Judge (Chief Judicial Magistrate), Krishnagiri and sentenced to suffer six months of rigorous imprisonment and to pay a fine of Rs.200/-, in default to suffer a further period of one month of simple Imprisonment for the offence under Section 7 of the Prevention of Corruption Act and to suffer one year of rigorous imprisonment and to pay a fine of Rs.200/-, in default to undergo one month 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 petitioner till 17.03.2017.

3. This petition has been filed by the petitioner 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 the learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

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), Krishnagiri 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/-
15/03/2017

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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 DEPUTY SUPERINTENDENT OF
POLICE, VIGILANCE AND ANTI CORRUPTION,

KRISHNAGIRI.

+1 C.C. to M/S.R.EZHILARASAN Advocate on payment of necessary charges SR.NO.4972

Order

in
CRL MP.3839/2017

in
CRL A.147/2017

Date :15/03/2017

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