

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of March Two Thousand Seventeen

PRESENT

The Hon `ble Mr Justice T.MATHIVANAN

CRIMINAL MISCELLANEOUS PETITION No.3951 of 2017

IN CRL A.149/2017

V.SANGAM

[PETITIONER]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI.
CR.NO.135 OF 2011

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal Case No.149 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed against the petitioner by order dated 22.02.2017 in C.C.No.135/2011 (Old C.C.NO.18/2010) of the Special Court for the cases under Prevention of Corruption Act, Chennai-600 104, and grant bail to the petitioner pending disposal of the above appeal and pass such further or other orders IN CRL.MP.NO.3951 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.SRINIVAS, Advocate for the petitioner and of The Hon `ble Mr Justice R.MAHADEVAN.E.RAJA ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondents the court made the following order:-

The petitioner herein stood convicted for the offences under Sections 7 and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988, in C.C.No.135 of 2011 (Old C.C.No.18 of 2010) on the file of the learned Special Judge (Prevention of Corruption Act), Chennai and sentenced to suffer six months of rigorous imprisonment and to pay a fine of Rs.1000/-, 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.1000/-, in default to undergo one month simple imprisonment for the offence under Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act. 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 21.03.2017.

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.

7. 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 Special Court (Prevention of Corruption Cases), Chennai 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/-
16/03/2017

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 COURT,
(PREVENTION OF CORRUPTION ACT),
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL CHENNAI.

+1 C.C. to M/S.R.SRINIVAS Advocate on payment of necessary
charges SR.NO.5175

Order

in
CRL MP.3951/2017

in
CRL A.149/2017

Date :16/03/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

PTI-21/03/2017