

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

The Hon `ble Mr Justice T.MATHIVANAN

CRIMINAL MISCELLANEOUS PETITION No.4440 of 2017

AND CRL A.170/2017

R.MURUGAN

[PETITIONER]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION WING,
SALEM, NOW AT NAMAKKAL.
NAMAKKAL DISTRICT.
CR.NO.6/AC/1999.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased To suspend the sentence imposed on the petitioner/appellant by the judgement dated 03.03.2017 made in Spl.C.C.No.13 of 2002 passed by the learned Special Judge, Chief Judicial Magistrate, Namakkal till the disposal of the above CRL.MP.No.4440 of 2017

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.PALANINATHAN, Advocate for the petitioner and of MR.E. RAJA, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent 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 Spl.C.C.No.13 of 2002 on the file of the learned Special Judge (Chief Judicial Magistrate), Namakkal and sentenced to suffer two years of simple 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 two years of simple 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 03.04.2017.

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 learned Special Judge, (Chief Judicial Magistrate), Namakkal 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/-

23/03/2017

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, CHEIF
JUDICIAL MAGISTRATE, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VIGILANCE & ANTI-CORRUPTION WING, SALEM,
NOW AT NAMAKKAL.
NAMAKKAL DISTRICT.

+1C.C. to M/S.P.PALANINATHAN Advocate on payment of
necessary charges SR.NO. 5475

Order

in
CRL MP.4440/2017

in
CRL A.170/2017

Date :23/03/2017

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EGR 24/03/2017