

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of March Two Thousand Seventeen

PRESENT

The Hon `ble Mr Justice T.MATHIVANAN

CRIMINAL MISCELLANEOUS PETITION No.4472 of 2017

IN CRL A.174/2017

K.A.SHAJAHAN,

[PETITIONER/ACCUSED]

Vs

STATE BY

[RESPONDENT]

DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
CUDDALORE, CUDDALORE DISTRICT.
CR.NO.10 OF 2000.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.174 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner herein by the learned Special Judge for Vigilance and Anti Corruption Cases, Villupuram made in Spl.Case No.2/2014 dated 10.03.2017 and enlarge the petitioner on bail, pending disposal of the above Crl.A.No.174/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.174 of 2017 on the file of the High Court and upon hearing the arguments of MR.R.S.JOHNSON, Advocate for the petitioner and of MR. E.RAJA, ADDL. PUBLIC PROSECUTOR (V AND AC) 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.Case No.2 of 2014 on the file of the learned Special Judge (for Vigilance and Anti Corruption Cases), Villupuram and sentenced to suffer two years of Rigorous imprisonment and to pay a fine of Rs.1000/-, in default to suffer a further period of four months of simple Imprisonment for the offence under Section 7 of the Prevention of Corruption Act and to suffer two years of Rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo four months simple imprisonment for the offence under Section 13(2) r/w. Section 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 07.04.2017.

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, (for Vigilance and Anti Corruption Cases), Villupuram 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/-
24/03/2017

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,
(FOR VIGILANCE AND ANTI CORRUPTION CASES),
VILLUPURAM.

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

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
CUDDALORE, CUDDALORE DISTRICT.

+1 C.C. to M/S.R.S.JOHNSON Advocate on payment of necessary
charges-Sr.5630

Order

in
CRL MP.4472/2017

in
CRL A.174/2017

Date :24/03/2017

From 7.2.2001 the Registry is issuing certified
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ths : 27.03.2017