

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.846 of 2017

IN CRL A.36/2017

R.CHANDRASEKARAN

[PETITIONER]

Vs

STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
COIMBATORE.
CR.NO.21/2009/AC/CB.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.36/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of the petitioner imposed by the order & Judgment dated 29-12-2016 in Spl.C.C.No.15 of 2011 on the file of the Special Judge, Chief Judicial Magistrate, Coimbatore for cases under Prevention of Corruption Act pending disposal of the above CRL A.36/2017 on the file of this Honble court.

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in CRL A.36/2017 On the file of the High Court and upon hearing the arguments of M/S.VEDAVALLIKUMAR, Advocate for the petitioner and of MR.E. KUMAR, PUBLIC PROSECUTOR FOR (V & AC) on behalf of the Respondents the court made the following order:-

The petitioner, who is the sole accused in Special C.C.No.15 of 2011 on the file of the Chief Judicial Magistrate, Special Judge (FAC), Special Court for Cases under Prevention of Corruption Act, Coimbatore, seeks suspension of sentence, against the sentence imposed, by judgment dated 29.12.2016, by granting him appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal.

2. After trial, petitioner/appellant, was convicted and sentenced as under:-

(a) Under Section 7 of Prevention of Corruption Act, 1988 sentenced to undergo 1 year Rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo 3 months simple imprisonment.

(b) Under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 sentenced to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo 6 months simple imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of success in the appeal and there are triable issues in the main criminal appeal. He also submitted that the petitioner has paid the fine amount of Rs.20,000/- before the trial court on 29.12.2016 and the sentence of imprisonment has been suspended till 29.01.2017. In the circumstances, he may be granted bail.

4. Heard the learned Special Public Prosecutor appearing for the State.

5. I have considered the rival submissions, perused the judgment of the trial court and the evidence pointed out by either side.

6. Considering the facts and circumstances of the case, I find that some arguable points are involved in this criminal appeal, which are required to be examined in detail. Accordingly, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/appellant.

(b) His sentence of imprisonment alone is suspended on condition that the petitioner executes 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 learned Chief Judicial Magistrate Court, Special Judge(FAC), Coimbatore.

(c) Petitioner/appellant shall report before the said court on the first working day of every month at 10.30 am., until further orders.

-sd/-
19/01/2017

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 COURT,
SPECIAL JUDGE(FAC), COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
COIMBATORE.

+1 C.C. to M/S.VEDAVALLIKUMAR Advocate on payment of necessary
charges SR.No.1244

Order

in
CRL MP.846/2017

in
CRL A.36/2017

Date :19/01/2017

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MSI 23/01/2017