

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.10311 of 2018

IN CRL A.459/2018

1 P.NAGARAJAN, [PETITIONERS/APPELLANT/ACCUSED]
2 JOHNSON DEVAKUMAR,

Vs

STATE REPRESENTED BY [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
SPE, CBI, ACB, CHENANI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.459 OF 2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence imposed in C.C.No.7 of 2014 dated 31.07.2018 on the file of XII Additional Special Judge for CBI Cases, Chennai pending disposal of the above Crl.A.No.459 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.459 of 2018 on the file of the High Court and upon hearing the arguments of MR.N.CHANDRASEKARAN, FOR M/S.N.VIJAYAKUMAR, Advocate for the petitioner and of MR.K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, on behalf of the Respondent the court made the following order:-

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 31.07.2018 made in C.C.No.7 of 2014 on the file of the learned XII-Additional Special Judge for CBI Cases at Chennai, pending disposal of the appeal.

2. The petitioners [A1 and A2]/appellants herein are the accused in C.C.No.7 of 2014 on the file of the XII-Additional Special Judge for CBI Cases at Chennai. They were found guilty of the offences u/s. 120(B) of IPC r/w Section 7 and 13[2] read with 13[1][d] of the Prevention of Corruption Act and have been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of P.C Act	2 years R.I and fine of Rs.10,000/- in default to undergo S.I for 3 months for each of the accused.

S.No.	Conviction	Sentence
2.	Section 13(2) r/w 13(1)(d) of P.C Act, 1988	2 years R.I and fine of Rs.10,000/- in default to undergo S.I for 3 months for each of the accused.
3.	120 (B) IPC	6 moths R.I and fine of Rs.5,000/- in default to undergo S.I for 1 month for each of the accused.

Aggrieved against the same, the petitioners have preferred this appeal.

3. The case of the prosecution is that the petitioners (A1 and A2), by abusing their official power in the capacity of DIG of Police and Sub-Inspector of Police, entered into criminal conspiracy with A3 and demanded and accepted illegal gratification from A3 through their respective Savings Bank Accounts in the matter of supply of stores materials, viz., 2464 Nos. of Coat Combat Materials and for expediting the payment of bills of A3 and thereby, committed the said offence.

4. The learned counsel for the petitioners [A-1 and A-2] / appellant would submit that there are arguable points available in the appeal and that the petitioners have got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioners may be suspended. He would also submit that the fine amount has been paid and the trial Court has also suspended the sentence for a period of one month.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone in respect of the petitioners, is suspended.

7. Hence, the sentence of imprisonment imposed on the petitioners by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioners are ordered to be enlarged on bail on each of them executing a bond for Rs.50,000/- [Rupees Fifty thousand only] with two sureties each for a like sum to the satisfaction of the learned XII-Additional Special Judge for CBI Cases, Chennai and on further condition that the petitioners shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., commencing from October 2018, until further orders.

-sd/-
21/08/2018

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 XII-ADDITIONAL SPECIAL
JUDGE FOR CBI CASES, CHENNAI.

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

3 STATE REPRESENTED BY
DEPUTY SUPERINTENDENT OF POLICE,
SPE, CBI, ACB, CHENANI.

+2 C.C. to M/S.N.VIJAYAKUMAR Advocate on payment of necessary
charges-Sr.15616

Order

in
CRL MP.10311/2018

in
CRL A.459/2018

Date :21/08/2018

From 7.2.2001 the Registry is issuing certified
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ths : 21.08.2018

सत्यमेव जयते

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