

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of September Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11104 of 2018

IN CRL A.506/2018

R.MANIVEL,

[APPELLANT/ACCUSED/PETITIONER]

vs

THE STATE REP. BY
DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE DISTRICT.
(CR.NO.05/2015/AC/CB)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.506 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of R.I for 4 years each in regard to the offences under sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 imposed by the Special Judge for trial of cases under the prevention of Corruption Act, Coimbatore in Special C.C.No.5 of 2017 on his file pending disposal of the above said CRL.A.NO.506/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.506 of 2018 on the file of the High Court and upon hearing the arguments of M/S.ARAVIND SUBRAMANIAM, Advocate for the petitioner and of MR. K.PRABAKAR, PUBLIC PROSECUTOR (V & AC) 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 10.08.2018 made in Special Case No.5 of 2017 on the file of the learned Special Judge for trial of cases under the Prevention of Corruption Act, Coimbatore pending disposal of the appeal.

2. The Petitioner/appellant herein is the accused in Special Case No. 5 of 2017 on the file of the learned Special Judge for trial of cases under the Prevention of Corruption Act, Coimbatore. He was found guilty of the offences u/s. 7 of Prevention of Corruption Act and 13(2) r/w 13(1)(d) of Prevention of Corruption Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of P.C Act 1988.	4 years R.I and fine of Rs.10,000/- in default to undergo S.I for 4 months.
2.	Section 13(2) r/w 13(1) (d) of P.C Act 1988.	4 years R.I and fine of Rs.10,000/- in default to undergo S.I for 4 months.

Aggrieved against the same, the petitioner has preferred this appeal and also filed the petition for suspension of sentence.

3. The case of the prosecution is that the appellant/accused was working as Assistant Executive Engineer, Tamilnadu Generation and Distribution Corporation, Avarampalayam, Coimbatore District who is a public servant within the definition of section 2 (C) of the Prevention of Corruption Act 1988. The complainant Baladhandapani is running a travel agency at Sidhapudur, Coimbatore in the name and style of "Kousic Travels". On 06.05.2015, when the complainant had approached the appellant/accused for applying additional electricity service connection for his newly constructed house, the appellant/accused had demanded Rs.15,000/- as illegal gratification. On 01.06.2015, while the complainant requested the appellant/accused to reduce the bribe amount for which appellant/accused asked him to come after lunch and directed him to contact Tr.Subramani, the Commercial Inspector to know about the estimate amount and the appellant/accused had calculated the amount to be paid as Rs.16,450/- and the complainant handed over the amount to Tr.Subramani. On 02.06.2015 at 14.30hrs, when the complainant approached the AO, he demanded Rs.15,000/- and the complainant stated that his wife was admitted in the hospital and he was in possession of Rs.7,000/- only. On the compulsion of the appellant/accused, the complainant offered Rs.5,000/- and after a long discussion, the appellant/accused received Rs.5,000/- and asked the complainant to give the remaining amount of Rs.10,000/- quickly. In pursuance of the aforesaid demand, by abusing his official position the appellant/accused demanded and accepted a sum of Rs.10,000/- as illegal gratification other than legal remuneration from the complainant and thereby committed an offence punishable u/s 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988.

4. The learned counsel for the Petitioner/Appellant would submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid and the trial Court has also suspended the sentence of imprisonment.

5. The learned Additional Public Prosecutor for V & AC cases has raised objections for suspending the sentence.

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

7. Hence, the sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his 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 Special Judge for trial of cases under the Prevention of Corruption Act, Coimbatore and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

24/09/2018

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 SPECIAL JUDGE FOR TRIAL
OF CASES UNDER THE PREVENTION OF CORRUPTION
ACT, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR,
(V & AC) CASES, HIGH COURT, MADRAS.

4 THE STATE REP. BY
DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE DISTRICT.

+1 C.C. to M/S.M.ARAVIND SUBRAMANIAM Advocate on payment of
necessary charges -Sr.17954

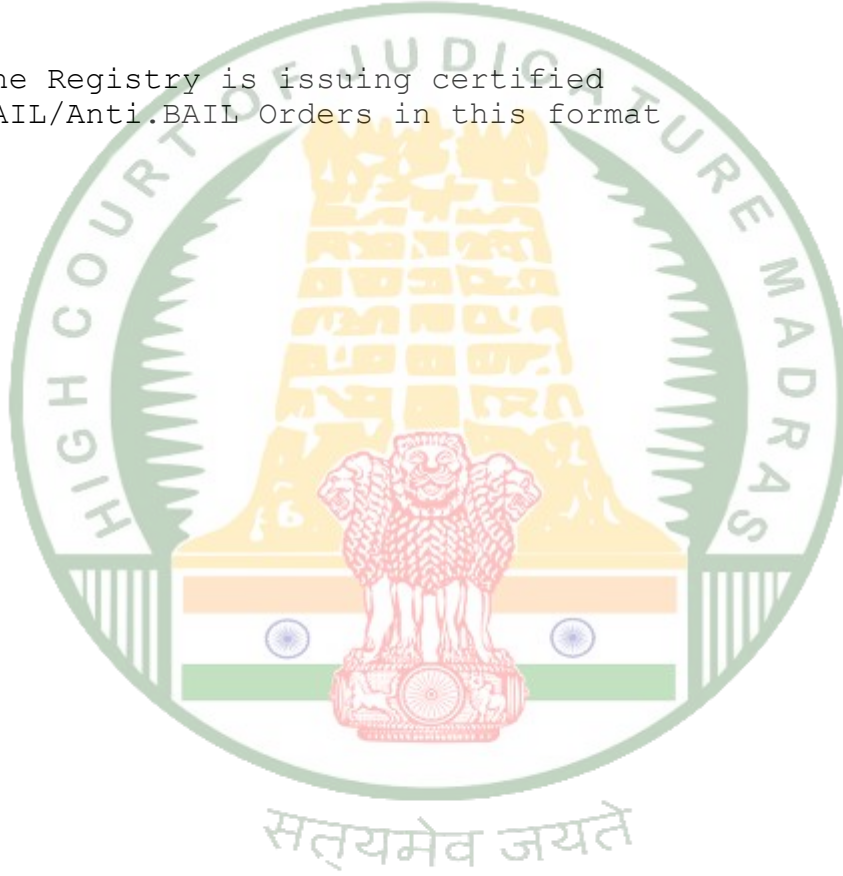
Order

in
CRL MP.11104/2018

in
CRL A.506/2018

Date :24/09/2018

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ths : 24.09.2018



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