

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.10563 of 2018

IN CRL A.478/2018

N.MOHAN

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
V AND AC,
NAMAKKAL.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.478/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence till the disposal of appeal by enlarging the petitioner on bail connected in Spl.C.C.No.59 of 2008 on the file of the Honble Special Judge Cum Chief Judicial Magistrate, Namakkal, Namakkal. [CRL.MP.NO.10563/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.478/2018 on the file of the High Court and upon hearing the arguments of M/S.P.EZHILNILAVAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR 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 02.08.2018 made in Spl. C.C.No.59 of 2008 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Namakkal pending disposal of the appeal.

2. The petitioner /appellant herein is the accused in Spl.C.C.No.59 of 2008 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Namakkal. He was found guilty of the offences u/s. 7 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.	3 years S.I and fine of Rs.2,500/- in default to undergo S.I for 1 month.
2.	13(2) r/w 13(1)(d) of P.C Act.	3 years S.I and fine of Rs.2,500/- in default to undergo S.I for 1 month.

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 petitioner/appellant was working as A3 Assistant in the Taluk Office, Paramathi Vellore. The appellant/accused had demanded an illegal gratification of Rs.2000/- from the de-facto complainant A.Krishnan who is retired Driver in the Taluk Office, Paramathi Vellore for disbursing the 6th pay commission arrears and to process his pension. When the de-facto complainant expressed his inability to pay the demanded amount, the appellant/accused modified his demand by asking him to pay an initial payment of Rs.200/- out of the total demand and the balance amount of Rs.1800/- would be given to the appellant by the de-facto complainant after receiving the arrears of the 6th pay commission and in pursuance of the above said demand, on 10.10.2007, the appellant demanded and accepted a sum of Rs.200/- as part payment from the de-facto complainant to pay 6th commission arrears and also to process pension promotional papers and thereby, committed the said offences.

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 till 01.09.2018.

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-cum-Chief Judicial Magistrate, Namakkal 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/-

27/08/2018

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 SPECIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
V AND AC, NAMAKKAL.

+1 C.C. to M/S.P.EZHILNILAVAN Advocate on payment of necessary
charges SR.NO. 15980

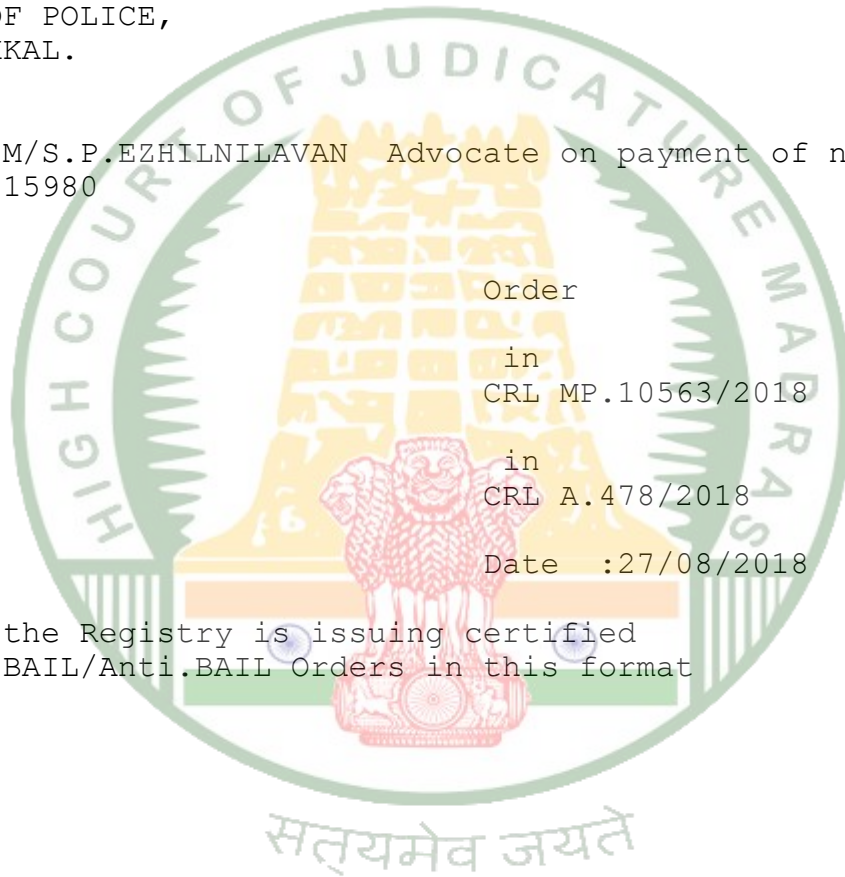
Order

in
CRL MP.10563/2018

in
CRL A.478/2018

Date : 27/08/2018

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RD 27/08/2018



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