

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.10991 of 2018

IN CRL A.494/2018

G.DEVARAJALU,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION
CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.494 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on 31.07.2018 in C.C.No.75 of 2011 on the file of the XI Assistant Judge cum Special Judge, Vigilance & Anti Corruption, Chennai pending disposal of the Appeal No.494 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.494 of 2018 on the file of the High Court and upon hearing the arguments of MR.J.C.DURAIRAJ, 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 31.07.2018 made in C.C.No.75 of 2011 on the file of the XI Assistant Judge-cum-Special Judge, Vigilance and Anti Corruption, Chennai, pending disposal of the appeal.

2. The petitioner /appellant herein is the accused in C.C.No.75 of 2011 on the file of the learned XI Assistant Judge-cum-Special Judge, Vigilance and Anti Corruption, Chennai. He was found guilty of the offences u/s. 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of P.C Act 1988.	2 years R.I and fine of Rs.2,000/- in default to undergo R.I for 6 months.

S.No.	Conviction	Sentence
2.	13(2) r/w 13(1) (d) of P.C Act.	6 months R.I and fine of Rs.1,000/- in default to undergo R.I for 3 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 accused by abusing his official power in the capacity of Inspector of Police, Traffic Wing, demanded and accepted an amount of Rs.2,000/- as bribe from one Raja, driver of the Tanker Lorry bearing Registration No.TN-.72-B-6116 near Thiruvanmiyur Traffic signal, 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 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 XI Assistant Judge-cum-Special Judge, Vigilance & Anti Corruption, Chennai 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 XI, ASSISTANT JUDGE-CUM
SPECIAL JUDGE, VIGILANCE & ANTI CORRUPTION,
CHENNAI.

2 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
CHENNAI.

C.C. to M/S.J.C.DURAIRAJ Advocate on payment of necessary
charges

Order

in

CRL MP.10991/2018

in

CRL A.494/2018

Date :27/08/2018

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copies of the BAIL/Anti.BAIL Orders in this format
THS : 29.08.2018

सत्यमेव जयते

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