

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11004 of 2018

IN CRL A.495/2018

N.IRULANDI,

[APPELLANT/ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION
CHENNAI CITY III,
CHENNAI.

C.C.NO.2 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.495 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence in C.C.No.2 of 2013 passed by the Learned Special Judge For The Cases Under Prevention of Corruption Act at Chennai, pending disposal of the above Cr.A.No. of 2012 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.495 of 2018 on the file of the High Court and upon hearing the arguments of M/S.G.MURUGESHKUMAR, 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 27.07.2018 made in C.C.No.2 of 2013 on the file of the learned Special Judge for the Cases under the Prevention of Corruption Act at Chennai, pending disposal of the appeal.

2. The petitioner /appellant herein is the accused in C.C.No.2 of 2013 on the file of the learned Special Judge for the Cases under the Prevention of Corruption Act at Chennai. He was found guilty of the offences u/s. 7, 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.
2.	13(2) r/w 13(1) (d) of P.C Act 1988.	6 months R.I and fine of Rs.1,000/- in default to undergo R.I for 3 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 accused by abusing his official power in the capacity of Junior Engineer, Electrical Section-3, Public Works, Office of the Directorate of Technical Education, Guindy demanded and accepted an amount of Rs.15,000/- as bribe from the de-facto complainant/Registered Contractor for preparation of M-book and bill which is to be prepared between 10.03.2012 and 12.03.2012 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 27.08.2018.

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 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 the Cases under the Prevention of Corruption Act, 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/-
24/08/2018

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 FOR THE
CASES UNDER THE PREVENTION OF CORRUPTION ACT,
CHENNAI.

2 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION
CHENNAI CITY III, CHENNAI.

+1 C.C. to M/S.G.MURUGESHKUMAR Advocate on payment of necessary
charges-Sr.15864

Order

in

CRL MP.11004/2018

in

CRL A.495/2018

Date :24/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 28.08.2018

सत्यमेव जयते

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