

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.12378 of 2018

IN CRL A.563/2018

L.RAMANATHAN

[PETITIONER/ACCUSED]

vs

THE STATE REP BY ITS,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTICIORRUPTION,
KRISHNAGIRI
CR.NO.7/AC/2009/KG.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No. 563 of 2018 on the file of the High Court, the High Court will be pleased to enlarge the petitioner/appellant on bail by suspend the sentence imposed in Spl.C.C.No.24 of 2010 by the Learned Chief Judicial Magistrate, Krishnagiri on 30.08.2018 pending disposal of the above Appeal in Crl.A.No.563 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.563 of 2018 on the file of the High Court and upon hearing the arguments of M/S.L.BASKARAN, Advocate for the petitioner and of MR.K.PRABAKAR Additional Public Prosecutor (V.& VAC) 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 30.08.2018 made in Special Case No.24 of 2010 on the file of the learned Chief Judicial Magistrate, Krishnagiri pending disposal of the appeal.

2. The Petitioner/appellant herein is the accused in Special Case No.24 of 2010 on the file of the learned Chief Judicial Magistrate, Krishnagiri. 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.	6 months R.I and fine of Rs.1,000/- in default to undergo S.I for 1 month.
2.	Section 13(2) r/w 13(1) (d) of P.C Act 1988.	1 year R.I and fine of Rs.1,000/- 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 complainant Tr.A.Pazhanesan residing in Mollampatti Vilalge, Deviralli Post, Pochampalli Taluk, Krishnagiri District, is an agricultural labour and he owned 2 acres of dry land in Survey Nos.40, 783, 1251, 1387 and 1384 which stands in the name of his deceased father, who expired on 27.12.2007. When the complainant had given a petition in Pochampalli Taluk Office on 21.07.2009, for obtaining legal heirship certificate for the purpose of getting electricity service connection to the well situated in the said dry land, the officials of the Pochampalli Taluk office instructed him to approach the appellant/accused and accordingly, when the complainant approached the appellant/accused Tr.L.Ramanathan, VAO, Dhamodarahalli and gave a petition for getting legal heirship certificate, he demanded and accepted a sum of Rs.1000/- as illegal gratification other than legal remuneration and thereby committed the offences under Section 7 of Prevention of Corruption Act and Section 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 Chief Judicial Magistrate, Krishnagiri 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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTICIORRUPTION,
KRISHNAGIRI

+1C.C. to M/S.L.BASKARAN Advocate on payment of necessary
charges SR.NO. 17999

Order
in
CRL MP.12378/2018
in
CRL A.563/2018

Date :24/09/2018

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