

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.15524 of 2017

IN CRL A.768/2017

P.SELLAIAH,

[PETITIONER]

Vs

STATE BY
THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
TIRUCHIRAPALLAI.CR.NO.26/2008.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.768/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of conviction and imprisonment dated 29.11.2017 imposed by learned Special Judge/Anti-corruption Cases/Chief Judicial Magistrate, Perambalur District in Spl.C.No.02/2009 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal No.SR.55527/2017 on the file of this Honble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.768/2017 on the file of the High Court and upon hearing the arguments of MR. NAVANEETHA KRISHNAN, Senior Counsel for M/S.M.PALANIVEL, Advocate for the petitioner and of MR. P. GOVINDARAJAN, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 29.11.2017 made in Spl.C.No.02 of 2009 on the file of the learned Special Judge/Anti-Corruption Cases/Chief Judicial Magistrate, Perambalur, and enlarge the petitioner on bail, convicted and sentenced the petitioner as under:

Conviction under Section	Sentence
Sections 7 of Prevention of Corruption Act and	Four Years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for two months.
Section 13(2) r/w 13(1) (D) of Prevention of Corruption Act, 1988	Four years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for two months.
	The sentences are to run concurrently.

2. Aggrieved by the said judgment of conviction and sentence, petitioner has preferred an appeal and the same is pending. At the time of admitting the appeal, though the petitioner sought for suspension of sentence, this Court has thought fit that the petitioner's appeal itself may be taken up immediately after completion of service. However, till date, records from lower Court has not been forwarded and typed set not ready due to the said reasoning in the said circumstances.

3. The learned counsel appearing for the petitioner/appellant submits that the petitioner who is 68 years old, suffering from diabetics for 13 years and due to want of adequate medical facility his health is being deteriorated in the prison.

4. Taking note of the fact that the petitioner's health getting deteriorated and appeal papers are not yet ready due to administrative delay, this Court is inclined to entertain the petition for suspension of sentence imposed on the petitioner, on conditions that:-

i) the petitioner shall furnish a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Perambalur, within a period of two weeks from the date of receipt of a copy of this order and also

ii) the petitioner shall appear before the above said Court on the first working day of every English calendar month at 10.30 a.m, until further orders.

-sd/-
24/01/2018

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 STATE BY
THE INSPECTOR OF POLICE, VIGILANCE & ANTI
CORRUPTION, TIRUCHIRAPALLAI.

2 THE SPECIAL JUDGE
ANTI CORRUPTION CASES/CHIEF JUDICIAL
MAGISTRATE, PERAMBALUR DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.M.PALANIVEL Advocate on payment of necessary charges Sr.No.

+1 C.C. to MR. R.K. CHANDRAMOHAN, Advocate on payment of necessary charges Sr.No. 1723

Order
in
CRL MP.15524/2017
in
CRL A.768/2017
Date :24/01/2018

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

MD: 25/01/2018