

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.15660 of 2017

IN CRL A.777/2017

S.DEIVASIKAMANI, [PETITIONER]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
TRICHY.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.777/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Spl.Case No.3 of 2013 on the file of the learned Chief Judicial Magistrate/Special Judge, Ariyalur dated 05.12.2017 and enlarge the petitioner on bail till the disposal of Crl.A.No.SR.55970 of 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.777/2017 on the file of the High Court and upon hearing the arguments of M/S.ARUNA ELANGO, Advocate for the petitioner and of MR. P. GOVINDARAJAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

Heard Mr.N.R.Elango, learned Senior Counsel appearing for the petitioner and Mr.P.Govindarajan, learned Additional Public Prosecutor appearing for the respondent.

2. This petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 05.12.2017 made in Spl.C.No.3 of 2013 on the file of the learned Chief Judicial Magistrate/Special Judge, Ariyalur and enlarge the petitioner on bail, convicted and sentenced the petitioner as under:

Conviction under Section	Sentence
Section 7 of Prevention of Corruption Act, 1988	Five years simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one year.
Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	Seven years simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one year.

3. Considering the petition and the counter filed by the State, this Court finds that the petitioner herein had been found guilty for demanding bribe for a sum of Rs.500/- for the issuance of legal heir certificate.

4. The learned counsel for the petitioner submits that the fine amount had already been paid, seeks suspension of sentence on the ground that the trial Court has not properly appreciated the evidence and there is possible ground to set aside the judgment of conviction.

5. The learned Additional Public Prosecutor strongly opposed for granting suspension of sentence.

6. This Court is of the opinion that there is some material for consideration and it is proper to suspend the sentence for the present. Accordingly, sentence suspended on the following conditions:-

i) the petitioner shall execute 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/Special Judge, Ariyalur, 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/-

04/01/2018

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 THE CHIEF JUDICIAL MAGISTRATE
SPECIAL JUDGE, ARIYALUR

5 THE SECTION OFFICER
CRIMINAL SECTION
HIGH COURT, MADRAS

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP.BY
THE INSPECTOR OF POLICE, VIGILANCE AND ANTI-
CORRUPTION, TRICHY.

+1 C.C. to M/S.ARUNA ELANGO Advocate on payment of
necessary charges Sr.No.145

Order
in
CRL MP.15660/2017
in
CRL A.777/2017
Date :04/01/2018

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

MD: 05/01/2018