

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of September Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11776 of 2018

IN CRL A.16/2018

RAJENDRAN

[PETITIONER]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ARIYALUR DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.16 of 2018 on the file of the High Court, the High Court will be pleased to suspension of the sentence imposed in Spl.Case, No.5 of 2013 dated 19.12.2017 passed by the Chief Judicial Magistrate/Special Judge, Ariyalur and enlarge the petitioner on Interim bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.16 of 2018 on the file of the High Court and upon hearing the arguments of M/S.A.SARAVANAN, Advocate for the petitioner and of MR.K.PRABAKAR Additional 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 19.12.2017 made in Spl.Case No.5 of 2013 on the file of the learned Chief Judicial Magistrate/ Special Judge, Ariyalur pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Spl.C.No.5 of 2013 on the file of the learned Chief Judicial Magistrate/ Special Judge, Ariyalur. He was found guilty of the offences u/s. 7, 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.	5 years S.I and fine of Rs.15,000/- in default to undergo S.I for 1 year.
2.	13(2) r/w 13(1) (d) of P.C Act.	7 years S.I and fine of Rs.15,000/- in default to undergo S.I for 1 year.

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 Rajendran was working as Sub Registrar/Public Distribution System (PDS) and Special Officer, Jayankondam demanded Rs.15,000/- as bribe initially and thereafter reduced it to Rs.13,000/- for processing the application of the de-facto complainant Ramalingam, who voluntarily retired as Senior Clerk in primary Co-operative Agricultural Society, Maruthur, Udayarpalayam Taluk, Ariyalur District, for his retirement benefits amounting to Rs.1,43,543/-. The demand has been made towards illegal gratification other than legal remuneration from him as a motive or reward, thereby the accused committed the aforesaid offences.

4. The learned counsel for the petitioner/appellant would submit that the petitioner is in custody for more than 10 months leaving the interim bail from 22.03.2018 to 23.04.2018 which was granted to attend his ailing parents and to conduct seemantham function of his daughter. He would submit that the appellant has got arguable points available in the appeal and he would also submit that it is a clear case where the prosecution has suppressed about an earlier complaint and also suppressed the fact about the earlier trap proceedings. However, without going into the merits of the appeal, he would submit that the petitioner had suffered a stroke and he has been diagnosed to be suffering from Accelerated hypertension and posterior circulation. He would submit that bail application of the suspension of sentence of the petitioner can be considered on medical grounds.

5. The respondent was directed to call for the reports about the medical condition of the petitioner from the prison authorities. The respondent has produced the report from the Dean of Mahatma Gandhi Memorial Government Hospital, Thiruchirapalli. In the report, it has been stated that the petitioner was diagnosed to have suffered from accelerated hyper tension and posterior circulation stroke and the medical report reveals that the petitioner is suffering from concentric hypertrophy and normal left ventricular systolic function and that the petitioner has been advised to take antihypertensives, antiplatelet agent and statins and supportive measures.

6. The learned Additional Public Prosecutor for V & AC cases would submit that the trial court considering the evidence of the prosecution witnesses has rightly convicted the accused. He would also submit that presently, the petitioner has been discharged from the hospital and is now confined in the central prison.

7. Taking into consideration the submissions made by the learned counsels, and the medical reports of the petitioner/appellant and also taking into consideration the petitioner is in confinement for 10 months after conviction, this Court is of the opinion that the substantive sentence of imprisonment be suspended.

8. In view of the above, the substantive sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner/appellant 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/ Special Judge, Ariyalur and on further condition that the petitioner/appellant 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/-
19/09/2018

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.

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TO

1 THE CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, ARIYALUR

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS

3 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
ARIYALUR DISTRICT.

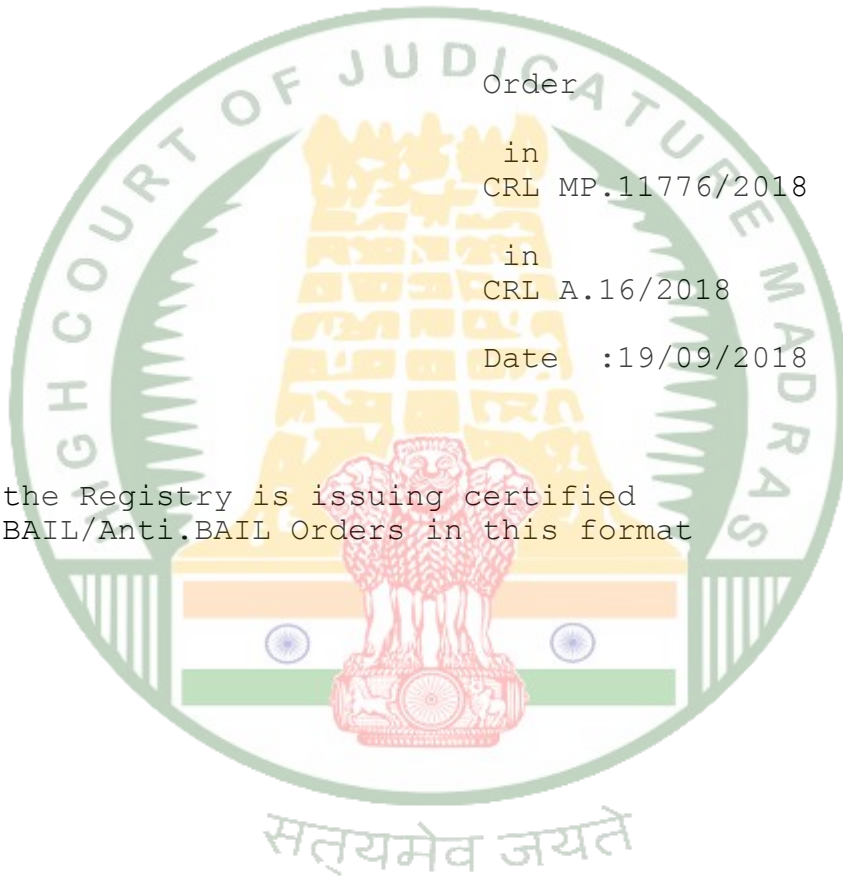
4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

+1C.C. to M/S.A.SARAVANAN Advocate on payment of necessary
charges SR.NO.17764

Order
in
CRL MP.11776/2018
in
CRL A.16/2018
Date :19/09/2018

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cm 20/09/2018



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