

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.12369 of 2018

IN CRL A.561/2018

L.PRABAKARAN,

[PETITIONER/APPELLANT]

Vs

STATE BY:

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-II, DETACHMENT, CHENNAI.
CR. NO. 7/AC/2010/CC-II.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to SUSPEND THE SENTENCE passed against the petitioner by the Hon'ble Special Judge and Chief Judicial Magistrate, Thiruvallur in Special Case No. 3 of 2012 dated 21.08.2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.JAIKUMAR, Advocate for the petitioner and of MR. K.PRABAKAR, Advocate on behalf of the Respondents the court made the following order:-

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 21.08.2018 made in Special Case No.3 of 2012 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Thiruvallur pending disposal of the appeal.

2. The Petitioner/appellant herein is the 2nd accused in Special Case No.3 of 2012 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Thiruvallur. He was found guilty of the offences u/s. 7 of Prevention of Corruption Act r/w 34 IPC and Section 12 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 r/w Section 34 IPC.	3 years R.I and fine of Rs.5,000/- in default to undergo S.I for 6 months.
2.	Section 12 of P.C Act 1988.	2 years R.I and fine of Rs.5,000/- in default to undergo S.I for 3 months.

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 A1 is the Revenue Assistant, the petitioner/appellant/A2 is a private individual and A3 was working in Ambattur Municipality. The complainant Nagarajan, who is a retired Additional Director of Medical Services has purchased two residential flats and when he submitted his application for assessment of municipal tax for his newly purchased two flats on 01.03.2010, the accused No.1 had demanded an illegal gratification of Rs.5000/- from the de-facto complainant and also told him that if he pay Rs.5000/- as bribe for each flat he would reduce the tax similar amount or lessor. Thereafter, on 05.03.2010, when the complainant called A1 to expedite tax assessment and levy the same he demanded to pay half of the bribe amount of Rs.5000/- on 08.03.2010 to consider his request. On 08.03.2010 at 4.40 p.m, the complainant met A1 at his office, A1 reiterated his earlier demand and accepted by instructing A2 to collect the amount outside the office and hand it over to A3. The petitioner/appellant/A2 had committed an offence by abetting A1 in receipt of illegal gratification other than legal remuneration.

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 Special Judge/Chief Judicial Magistrate, Thiruvallur 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/-
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.

TO

1 THE SPECIAL JUDGE AND CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-II,
DETACHMENT, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 C.C. to M/S.M.JAIKUMAR Advocate on payment of necessary
charges SR.NO.17817

Order

in
CRL MP.12369/2018
in
CRL A.561/2018

Date :19/09/2018

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TA-20/09/2018

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