

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.145 of 2018

IN CRL A.16/2018

RAJENDRAN,

[APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
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 Criminal APPEAL No.16 OF 2018 on the file of the High Court, the High Court will be pleased to suspending the sentence imposed in Spl Case NO.5/2013 dated 19.12.2017 passed by the Chief Judicial Magistrate/ Special Judge, Ariyalur and enlarged the petitioner on bail pending disposal of the Crl.A.No.16 of 2018.

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.P.TAMILAVEL, Advocate for the petitioner and of MR. P.GOVINDARAJAN, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petition for suspension of sentence is filed on the ground that the trial Court's judgment of conviction and sentence of seven years imprisonment for the offence under Section 13(1)(d) is highly perverse and the evidence of P.W.2 had not been properly taken note of. Further the time, date of joining duty have not been given due consideration. Further, the complaint given by the defacto complainant from the next day of the accused/appellant joining duty improbableness of the case of the prosecution which has not been given due consideration by the trial Court.

2. The learned Additional Public Prosecutor has filed counter opposing the petition for suspension of sentence on the ground that the prosecution has proved the guilt of the accused demanding Rs.13,000/- as illegal gratification from P.W.2 through ocular evidence of P.W.2 and P.W.3. The demand and acceptance of bribe had been proved and for granting retirement benefit to P.W.2, the accused/appellant had demanded and accepted bribe of Rs.13,000/- which is misconduct of abusing the power to obtain pecuniary advance.

3. Considering the contentions raised by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and in view of the sentence imposed by the trial Court, this Court is of the opinion that instead of entertaining the petition for suspension of sentence, date may be fixed for hearing the appeal itself so as to give a quietus to the issue raised by the accused/appellant. Hence, Crl.M.P.No.145/2018 is dismissed.

4. The office is directed to address the trial Court to send the records forthwith and the typed set of papers shall be prepared within 15 days. Post the matter for final hearing on 13.02.2018.

-sd/-
23/01/2018

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.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ARIYALUR DISTRICT.

C.C. to M/S.P.TAMILAVEL Advocate on payment of necessary charges

Order

in
CRL MP.145/2018

in
CRL A.16/2018

Date :23/01/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 29.01.2018