

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.5647 of 2018

IN CRL A.233/2018

A.MANOKARAN

[PETITIONER / APPELLANT]

Vs

THE STATE BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
NAMAKKAL, NAMAKKAL DISTRICT.
CR.NO.10/AC/2004

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.233/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 16.03.2018 made in Special C.C.No.14 of 2005 on the file learned Special Judge/Chief Judicial Magistrate, Namakkal and enlarge the petitioner on bail, pending disposal of the above CRL A.233/2018 [IN CRL.MP.NO.5647 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.233/2018 on the file of the High Court and upon hearing the arguments of MR.S.VINOTH KUMAR Advocate for M/S.N.MANOKARAN, Advocate for the petitioner and of MR.K.PRABAKAR ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed by the petitioner/appellant seeking to suspend the order of sentence passed by the learned Special Judge/Chief Judicial Magistrate, Namakkal, dated 16.03.2018, in Spl.C.C.No.14 of 2005.

3.The petitioner/appellant has been convicted and sentenced to undergo SI for 3 years and to pay a fine of Rs.2,500/-, in default to undergo SI for 1 month for the offence under Section 7 of Prevention of Corruption Act, 1988 and sentenced to undergo SI for 3 years and to pay a fine of Rs.2,500/-, in default to undergo SI for 1 month for the offence under Sections 13[2] r/w 13[1][d] of Prevention of Corruption Act, 1988.

4.Learned counsel for the petitioner/appellant contends that the trial Court itself had suspended the sentence till 15.04.2018, that the petitioner had been on bail through out the trial and that he is having fair chance of getting acquittal in the appeal and therefore, the sentence imposed on the petitioner/appellant may be suspended.

5.Learned Additional Public Prosecutor opposed for grant of suspension of sentence.

6.Considering the fact that the petitioner/appellant had been on bail through out the trial and the sentence imposed also has been suspended by the trial Court and also the entire facts and circumstances of the case, this Court is inclined to suspend the sentence imposed on the petitioner/appellant by the trial Court. Accordingly, the substantive sentence of imprisonment alone is suspended on executing a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the Special Judge/Chief Judicial Magistrate, Namakkal and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m till the disposal of the Appeal.

-sd/-
09/04/2018

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 / CHIEF
JUDICIAL MAGISTRATE, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1C.C. to M/S.N.MANOKARAN Advocate on payment of necessary
charges SR NO.6832

Order

in
CRL MP.5647/2018

in
CRL A.233/2018

Date :09/04/2018

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MK:12/04/2018