

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.7182 of 2018

IN CRL A.70/2018

Tr.P.VELUSAMY

[PETITIONER / APPELLANT]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
COIMBATORE DISTRICT.
CR.NO.01/2006/AC/CB

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.70/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in judgment in Spl.C.C.No.53 of 2011 on the file of The Special Judge for cases under the Prevention of Corruption Act, Coimbatore, by judgment dated 31.01.2018 and enlarge the petitioner on bail until pending disposal of CRL A.70/2018 [IN CRL.MP.NO.7182 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.70/2018 on the file of the High Court and upon hearing the arguments of M/S.A.RAJAKUMAR, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed by the petitioner to suspend the sentence passed by the learned Special Judge for cases under Prevention of Corruption Act, Coimbatore, in Spl.C.C.No.53 of 2011 dated 31.01.2018.

2. The petitioner was convicted by the Trial Court by the judgment dated 31.01.2018 and sentenced to undergo four years Rigorous Imprisonment and fine of Rs.5,000/- in default four months Simple Imprisonment for the offence under Section 7 of the Prevention of Corruption Act and also awarded four years Rigorous Imprisonment and fine of Rs.5,000/- in default, four months Simple Imprisonment for the offences under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. It was also ordered that both

the sentences shall run concurrently. From the date of judgment i.e., from 31.01.2018, the petitioner is in jail. The petitioner herein has filed the above appeal challenging the aforesaid judgment of conviction and sentence on 05.02.2018.

3. Pending the appeal, earlier, the petitioner has filed petition in CrI.M.P.No.1581 of 2018 to suspend the sentence. The said petition was dismissed by this Court on 26.02.2018 on the ground that since the petitioner has questioned the Ex.P6, the same has to be examined on proper perusal of records. Now the present petition has been filed stating that the petitioner is suffering from chest pain and hence, he requests to suspend the sentence, which was awarded by the trial Court. So that the petitioner can take better treatment for his ailment.

4. The learned counsel for the petitioner has submitted that the petitioner was a public servant and he is having permanent residence and he will not abscond. He also submitted that during trial, the petitioner has regularly appeared before the trial Court, till the date of judgment. He further submitted that the Senior Assistant Surgeon, who has attended the petitioner, has sent a letter to the Superintendent, Central Prison, Coimbatore, stating that the petitioner should be referred to Coimbatore Medical College Hospital for better treatment as he is suffering from Atypical chest pain and hence, he requests to suspend the sentence.

5. The learned Additional Public Prosecutor appearing for the respondent has submitted that the trial Court has found guilty and awarded sentence, after considering the materials placed before it and if the petitioner is released on bail, he may not co-operate for disposal of the appeal and hence, she strongly opposes this petition.

6. Considering the fact that the petitioner is in custody for more than 3-1/2 months and also the fact that the Senior Assistant Surgeon, attached to Central Prison, Coimbatore has addressed the Superintendent, Central Prison, Coimbatore, stating that the petitioner is suffering from Atypical chest pain and it is a known case of SHT and he requires regular treatment, this Court is of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 learned Special Judge for cases under the Prevention of Corruption Act, Coimbatore 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. pending appeal.

-sd/-
25/05/2018

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 FOR CASES
UNDER THE PREVENTION OF CORRUPTION ACT,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

+1C.C. to M/S.A.RAJAKUMAR Advocate on payment of necessary
charges SR NO.9521

Order

in
CRL MP.7182/2018

in
CRL A.70/2018

Date :25/05/2018

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MK:25/05/2018