

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.7839 of 2018

IN CRL A.337/2018

C.VELUSAMY

[PETITIONER]

Vs

STATE REP. BY
INPSECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE DISTRICT.
(CR.NO.2/2009/AC/CB)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.337/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of 2 years Rigorous Imprisonment for offence under section 7 of the Prevention of Corruption Act and 2 years Rigorous Imprisonment for offence under section 13(2) read with section 13(1)(d) of the prevention of Corruption Act imposed by the Learned Special Judge, Special Court for Cases under Prevention of Corruption Act, Coimbatore by Judgment dated 23.5.2018 in Spl.C.C.No. 72 of 2011 pending disposal of the above CRL A.337/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.337/2018 on the file of the High Court and upon hearing the arguments of M/S.L.MOULI, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner/appellant is arrayed as sole accused in Spl.C.C.No.72 of 2011 on the file of the learned Special Judge, Special Court for CBI cases under Prevention of Corruption Act, Coimbatore. He has been convicted for the offences under Section 7 of the Prevention of Corruption Act and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo four months simple imprisonment; convicted under Section 13 (2) r/w. 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo two years Rigorous Imprisonment together with fine of Rs.5,000/-, in default to undergo four months Simple Imprisonment vide impugned judgment dated 23.05.2018 and also granted set-off

under section 428 Cr.P.C. The petitioner prays for suspension of sentence.

2 The learned counsel for the petitioner submits that the fine amount has been paid and the Trial Court has already suspended the sentence for a period of one month.

3 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4 On perusal of the impugned judgment and the grounds raised by the petitioner in the memorandum of appeal, this Court is inclined to order the petition and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- [Rupees one lakh only] and furnish with two sureties each for a like sum to the satisfaction of the learned learned Special Judge, Special Court for CBI cases under 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 English Calendar Month at 10.30 a.m. until further orders.

-sd/-
13/06/2018

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,
SPECIAL COURT FOR CBI CASES
UNDER PREVENTION OF CORRUPTION ACT,
COIMBATORE.

2 THE INPSECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.L.MOULI Advocate on payment of necessary
charges in SR.NO. 10623

Order

in
CRL MP.7839/2018

in
CRL A.337/2018

Date :13/06/2018

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MLT-14/06/2018