

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.8307 of 2018

IN CRL A.347/2018

S.SUBRAMANI,

[APPELLANT/SECOND ACCUSED]

Vs

THE DEPUTY SUPERINTENDENT OF [RESPONDENT]
POLICE, VIGILANCE AND ANTI-CORRUPTION,
DHARMAPURI. CR.NO.12/AC/2009

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.347 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner by the Special Judge and Chief Judicial Magistrate, Dharmapuri on 7.6.2018 in special case No.3 of 2012 and enlarge the petitioner on bail pending disposal of the said Appeal No.347 of 2018 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.347 of 2018 on the file of the High Court and upon hearing the arguments of M/S.A.ILAYA PERUMAL, Advocate for the petitioner and of MR. K.PRABAKAR, ADDL. PUBLIC PROSECUTOR (V & AC) on behalf of the Respondent the court made the following order:-

The petitioner/appellant is arrayed as second accused in Spl.C.C.No.03 of 2012 on the file of the learned Special Judge and Chief Judicial Magistrate, Dharmapuri. He has been convicted for the offence under Section 7 and 12 of Prevention of Corruption Act and sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.3,000/-, in default to undergo Simple Imprisonment for three months; convicted under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to undergo Rigorous Imprisonment for one year together with fine of Rs.3,000/-, in default to undergo Simple Imprisonment for three months vide impugned judgment dated 07.06.2018. However, the sentences ordered to run concurrently and also granted set-off under section 428 Cr.P.C. The petitioner prays for suspension of sentence.

2 On perusing the memorandum of grounds of appeal, this Court finds material for arguments. Hence, the appeal has been admitted.

3 So far as the suspension of sentence is concerned, the Trial Court has already suspended the sentence till 25.06.2018 vide its order dated 07.06.2018. It is also submitted that fine amount is also paid.

4 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for CBI cases.

5 Considering the appeal, the sentence may be suspended so as to canvas the merit of the accused. This petition is ordered and the substantive sentences 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.1,00,000/- [Rupees one lakh only] with two sureties each for a like sum to the satisfaction of the learned Special Judge and Chief Judicial Magistrate, Dharmapuri and on further condition that the petitioner shall appear before the said Court on the first Monday of every English Calendar Month at 10.30 a.m. until further orders.

-sd/-
22/06/2018

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 AND
CHIEF JUDICIAL MAGISTRATE, DHARMAPURI.

2 THE ADDL. PUBLIC PROSECUTOR
(V & AC), HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF
POLICE, VIGILANCE AND ANTI-CORRUPTION,
DHARMAPURI.

+1 C.C. to M/S.A.ILAYA PERUMAL Advocate on payment of necessary charges-11273

Order

in
CRL MP.8307/2018

in
CRL A.347/2018

Date :22/06/2018

From 7.2.2001 the Registry is issuing certified
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ths : 22.06.2018