

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of August Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.8813 of 2018

IN CRL A.374/2018

1 A.MARIMUTHU
3 M.THULASIAMMAL
4 M.PRAKASH

[PETITIONERS]

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
VILLUPURAM. CR.NO.6 OF 2004.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.374/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence ordered in Special Case No.57/2014 dated 26.06.2018 on the file of the Learned Special Court for Prevention of Corruption Act Cases, Villupuram, and thereby the petitioners may be released on Bail pending disposal of the CRL A.374/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.374/2018 on the file of the High Court and upon hearing the arguments of MR.N.SURESH, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners herein are the appellants in Crl.A.No.374 of 2018, preferred against the judgment made in Special Case No.57 of 2014 (formerly S.C.No.1 of 2005) on the file of the Special Court for Prevention of Corruption Act Cases, Villupuram, dated 26.06.2018. The trial Court has found the first petitioner guilty of amassing wealth disproportionate to his known source of income and the other two petitioners for abetting him. The trial Court has convicted the petitioners for the offence under Section 13(2) r/w 13 (1)(e) of the Prevention of Corruption Act, 1988 and Section 109 of IPC respectively and sentenced to undergo four years RI and to pay a fine of Rs.10,000/- in default, to undergo 6 months SI. The period of sentence already undergone by the petitioners is set off.

2.The said judgment is appealed. Pending the appeal, suspension of sentence sought.

3. The trial Court has held that A1 has acquired wealth 51% disproportionate to his known source of income and his wife and son (A2 and A3) had abetted him to acquire this wealth.

4. The learned counsel appearing for the petitioners contends that the trial Court failed to take into consideration Rs.1,50,000/- cash in hand at the beginning of the check period and value of 25 bags of paddy. It also failed to consider the agricultural income reflected in the Income Tax Returns. If those income are taken into accounts, the disproportionate assets in the hands of the first petitioner at the end of check period will be less than 10%.

5. The learned Additional Public Prosecutor opposing the said contention would submit that, the petitioners/accused had not placed any documents to show that they had cash in hand at the beginning of the check period. The Income Tax Returns for the years 1999-2000 and 2000-2001 were filed only in the year 2003 boosting up the agricultural income to avoid the prosecution.

6. In view of disputed facts to be considered in the appeal, this Court is inclined to allow this petition on the following conditions. Accordingly, this petition is ordered and the substantive sentence alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond for a sum of Rs.5,00,000/- [Rupees five lakhs only] with two sureties each for a like sum to the satisfaction of the learned Special Court for Prevention of Corruption Act Cases, Villupuram; and the petitioners shall appear before the trial Court on the first working day of every English Calender month at 10.30 a.m. until further orders.

-sd/-

02/08/2018

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 COURT FOR
PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM.

2 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2C.C. to M/S.N.SURESH Advocate on payment of necessary
charges in SR.NO. 14395

Order

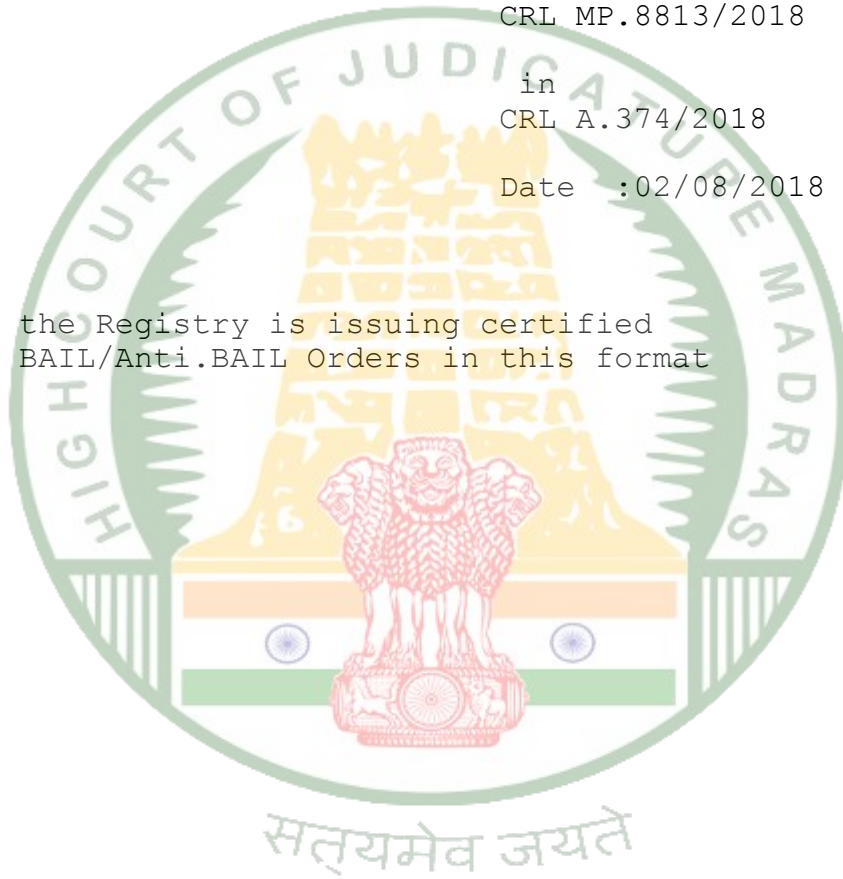
in
CRL MP.8813/2018

in
CRL A.374/2018

Date :02/08/2018

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MLT-02/08/2018



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