

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.9079 of 2018

IN CRL A.394/2018

R.PALANISAMY

[ACCUSED / APPELLANT]

Vs

STATE REP. BY ITS,
DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE DETACHMENT @ ERODE.
CR.NO.14/AC/2007/ER)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.394/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the appellant herein by the Learned Chief Judicial Magistrate/ Special Judge, Erode, Erode District in Spl.C.C.No.22 of 2015 dated 29.06.2018 and acquit the appellant herein and pass such further or other orders, in CRL.A.NO.394 OF 2018 [IN CRL.MP.NO.9079 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.394/2018 on the file of the High Court and upon hearing the arguments of M/S.P.SRINIVAS, 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.22 of 2015 on the file of the learned Chief Judicial Magistrate/Special Judge, Erode. He has been convicted for the offence under Section 7 of Prevention of Corruption Act and sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months Simple Imprisonment; convicted under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to undergo three years Rigorous Imprisonment together with fine of Rs.10,000/-, in default to undergo another one year Simple Imprisonment vide impugned judgment dated 29.06.2018. 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 The learned counsel for the petitioner submits that the fine amount has been paid and the trial Court has already suspended the sentence till 27.07.2018.

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

4 In the light of the above facts, this Court is inclined to order the petition and 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.1,00,000/- [Rupees one lakh only] with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate/Special Judge, Erode 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/-
10/07/2018

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 CHIEF JUDICIAL MAGISTRATE
SPECIAL JUDGE, ERODE, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE DETACHMENT @ ERODE.

+1C.C. to M/S.P.SRINIVAS Advocate on payment of necessary charges SR NO.12657

Order

in
CRL MP.9079/2018

in
CRL A.394/2018

Date :10/07/2018

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MK:12/07/2018