

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.9987 of 2018

IN CRL A.436/2018

P.M.SIVAKUMAR,

[PETITIONER]

Vs

STATE REP. BY

[RESPONDENT]

DEPUTY SUPERINTENDENT OF POLICE,

VIGILANCE & ANTI-CORRUPTION,

CR.NO. 03/AC/2008/DP,

(DV &AC-DHARMAPURI)

DHARMAPURI DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.436/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Speicl Judge and Chief Judicial Magistrate- Dharmapuri by a judgment dated 28.06.2018 in Special C.C.No. 5 of 2009 and enlarge the petitioner on bail pending disposal of the above appeal.[CRL.MP.NO.9987/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.436/2018 on the file of the High Court and upon hearing the arguments of M/S.R.JOHN SATHYAN 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 sole accused in Spl.C.C.No.05 of 2009 on the file of the learned Special Judge cum Chief Judicial Magistrate, Dharmapuri. 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.3,000/-, in default to undergo three months Simple Imprisonment; convicted under Section 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to undergo one year Rigorous Imprisonment together with fine of Rs.3,000/-, in default to undergo another three months Simple Imprisonment vide impugned judgment dated 28.06.2018. 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. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

3 In view of the arguable points raised in the appeal, this Court is inclined to allow the petition. The substantive sentence of imprisonment alone is suspended. 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 cum Chief Judicial Magistrate, Dharmapuri 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/-

27/07/2018

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 SPECIAL JUDGE
CUM CHIEF JUDICIAL MAGISTRATE,
DDHARMAPURI

2 THE ADDL.PUBLIC PROSECUTOR[V& AC]
HIGH COURT, MADRAS.

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

+1 C.C. to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges SR.NO. 14031

Order

in
CRL MP.9987/2018

in
CRL A.436/2018

Date :27/07/2018

From 7.2.2001 the Registry is issuing certified
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RD 27/07/2018