

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the First day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13231 of 2018

IN CRL.A.NO.601 OF 2018

T.K. RAMALINGAM

[PETITIONER]

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VELLORE.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.601 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentences imposed upon the petitioner in S.C.No. 4 of 2018 dt.20.9.2018 by the Learned Special and Chief Judicial Magistrate, Vellore and enlarge the Petitioner on bail pending disposal of the above CRL.A.NO.601 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.601 OF 2018 on the file of the High Court and upon hearing the arguments of MR.GOMATHINAYAGAM SENIOR COUNSEL FOR M/S.SAMUNDEESWARI N., Advocate for the petitioner and of MR.K.PRABAKAR, PUBLIC PROSECUTOR (V AND AC) on behalf of the Respondent the court made the following order:-

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 20.09.2018 made in S.C.No.4 of 2014 on the file of the learned Special and Chief Judicial Magistrate, Vellore, pending disposal of the appeal.

2. The petitioner herein is the 1st accused in S.C.No.4 of 2014 on the file of the learned Special and Chief Judicial Magistrate, Vellore. He has been found guilty of the offences u/s. 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The petitioner has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	U/s. 7 of Prevention of Corruption Act, 1988.	4 years S.I and pay a fine of Rs.2,500/- in default to undergo 2 months S.I.

S.No.	Conviction	Sentence
2.	U/s. 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	4 years S.I and pay a fine of Rs.2,500/- in default to undergo 2 months S.I.

Aggrieved against the same, the petitioner has preferred this appeal along with the petition for suspension of sentence.

3. The case of the prosecution is that the 1st accused, who is working as a Zonal Deputy Tahsildar along with other accused, demanded illegal gratification of Rs.1,000/- from the PW2/defacto complainant on 19.12.2012 for issuing Property Valuation Certificate. On the complaint, a trap was laid on 21.12.2012 at 14.10 hrs and the petitioner was caught red handed while accepting the bribe amount and thereby, the petitioner/1st accused along with the other accused was charged and tried for offences under Sections 7 and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988, and convicted for the above stated offences. The other accused was acquitted.

4. Mr.Gomathi Nayagam, learned senior counsel appearing for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case and that the defacto complainant had not supported the case of the prosecution and thereby, the trial court erred in convicting the petitioner/appellant. He would further submit that the petitioner was on bail during trial and that he has not misused the liberty granted to him. Further the petitioner has paid the fine amount on 20.09.2018 and now the petitioner is confined in Central Prison, Vellore. He would further submit that the trial Court erred in believing the evidences of the witnesses. Further he would submit that it will take some considerable time for the appeal to be listed for final hearing and pray for suspension of sentence.

5. The learned Additional Public Prosecutor appearing for the respondent opposed to grant suspension of sentence.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels on either side and that there are arguable points involved in the appeal and that it would take sometime for final hearing of the appeal. I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, the substantive sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- [Rupees Fifty Thousand only] with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Vellore and

on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
01/11/2018

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,
VELLORE.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS. (V AND AC)

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1C.C. to SAMUNDEESWARI N. Advocate on payment of necessary charges in SR.NO. 20533

Order

in
CRL MP.13231/2018
in
CRL.A.NO.601 OF 2018

Date :01/11/2018

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MLT-01/11/2018