

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of October Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13761 of 2018

IN CRL.A.NO.626 OF 2018

N.VAJRAVEL

[PETITIONER]

Vs

THE STATE REP BY,
DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
KRISHNAGIRI DISTRICT.
CR. NO. 1/AC/2011/DP.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.626 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the special Judge and Chief Judicial Magistrate at Krishnagiri in Spl.C.C.No. 58 of 2008, dt.28.9.2018, pending disposal of the above Crl.Appeal NO.626/2018. [CRL.MP.NO.13761/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.626/2018 on the file of the High Court and upon hearing the arguments of M/S.T.PANCHATSARAM, 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 28.09.2018 made in Spl.C.C.No.58 of 2008 on the file of the learned Special Judge and Chief Judicial Magistrate, Krishnagiri, pending disposal of the appeal.

2. The petitioner herein is the accused in Spl.C.C.No.58 of 2008, on the file of the learned Special Judge and Chief Judicial Magistrate, Krishnagiri. He has been found guilty of the offences u/s. 7, 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and the petitioner has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of Prevention of Corruption Act, 1988	6 months R.I and pay a fine of Rs.1,000/- in default to undergo 1 month S.I.
2.	Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	1 year R.I and pay a fine of Rs.1,000/- in default to undergo 1 month 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 petitioner, who worked as Sub-Registrar, Uthangari, had demanded a bribe amount of Rs.100/- for cancelling the mortgage in the name of the defacto complainant one Mr.K.Thailan and in pursuance of the demand on 21.02.2007, in his office between 21.15 to 12.30 hours, the petitioner/accused was caught by trap, laid by the respondent. In the result, the petitioner was convicted and sentenced under Sections 7 and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988.

4. The learned appearing for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case regarding demand and recovery. He would submit that the trial Court erred in believing the evidences of the witnesses. He would also submit that the petitioner was on bail during trial. He further submit that it will take some considerable time for the case to be listed for final hearing and pray for suspension of sentence.

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

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 the final hearing of the appeal. I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, the 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] each with two sureties each for a like sum to the satisfaction of the learned Special Judge and Chief Judicial Magistrate, Krishnagiri 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/-

12/10/2018

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
CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY,
DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
KRISHNAGIRI DISTRICT.

+1 C.C. to M/S.T.PANCHATSARAM Advocate on payment of necessary charges SR.NO. 19431

Order

in

CRL MP.13761/2018

IN CRL.A.NO.626 OF 2018

Date :12/10/2018

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 15/10/2018