

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.14173 of 2018
in CRL.A.NO.647 OF 2018

P.MANI

[PETITIONER]

Vs

INSPECTOR OF POLICE, [RESPONDENT]
VIGILANCE AND ANTI-CORRUPTION,
TRICHY.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.647 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Chief Judicial Magistrate, Perambalur in Spl.C.C.No.1 of 2009 dated 11/10/2018 and grant bail to the petitioner pending disposal of the Criminal appeal. [CRL.MP.NO.14173 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.647 of 2018 on the file of the High Court and upon hearing the arguments of M/S.D.JAYASINGH Advocate for the petitioner, and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR, 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 11.10.2018 made in Spl.C.C.No.1 of 2009 on the file of the learned Chief Judicial Magistrate, Perambalur, pending disposal of the criminal appeal.

2. The petitioner/appellant herein is the accused in Spl.C.C.No.1 of 2009 on the file of the learned Chief Judicial Magistrate, Perambalur. He was found guilty of the offences u/s. 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of P.C Act 1988.	1 year R.I and fine of Rs.1,000/- in default to undergo S.I for 1 month.
2.	13(2) r/w 13(1)(d) of P.C Act 1988.	2 years R.I and fine of Rs.1,000/- in default to undergo S.I for 1 month.

Aggrieved over the same, the petitioner has preferred this appeal and also filed the petition for suspension of sentence.

3. The case of the prosecution is that the petitioner/A-1 was working as the Village Administrative Officer, Padalur (West) Village, Kunnam Taluk, Perambalur District at the relevant time and as such he is a Public Servant as defined u/s 2(c) of the Prevention of Corruption Act 1988. On 30.04.2008 at about 10.00hrs the complainant went to the VAO Office, Padalur (West) and met the accused who was the VAO and gave an application in the name of his wife for arranging name transfer and issue patta pass book and the accused received the said application and demanded Rs.600/- as bribe as gratification other than legal remuneration as a motive or reward from the said complainant for arranging name transfer and issue patta pass book. Since, the complainant was not willing to pay the amount. On 30.04.2008 at about 16.30 hours the complainant lodged a complaint to the Inspector of Police, Vigilance and Anti-Corruption, Trichy and a case was registered in Crime No.11 of 2008 u/s 7 of the prevention of Corruption Act 1988 and in furtherance of the same a trap was arranged. On 02.05.2008 between 11.30hrs and 11.40 hrs at VAO Office, Padalur (West), the accused reiterated his earlier demand and obtained a sum of Rs.600/- as gratification other than legal remuneration from the complainant in the presence of official witness Amirutheen and the accused being a Public Servant by corrupt and illegal means and by abusing his official position obtained Rs.600/- as pecuniary advantage. Hence, the Inspector of Police, Vigilance and Anti-corruption, Trichy has laid the final report against the accused for the offences u/s 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988. The petitioner/appellant was tried and convicted as stated above.

4. The learned counsel for the petitioner/appellant would submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid and the sentence has been suspended by the trial Court in CrI.M.P.No.555 of 2018 for a period of one month from the date of the Judgment.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone is suspended.

7. Hence, the sentence of imprisonment imposed on the petitioner/appellant by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner/appellant is ordered to be enlarged on bail on his 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, Perambalur, Perambalur District and on further condition that the petitioner/appellant 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/-

29/10/2018

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 CHIEF JUDICIAL MAGISTRATE
PERAMBALUR, PERAMBALUR DISTRICT

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

3 INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
TRICHY.

+1 C.C. to D.JAYASINGH Advocate on payment of necessary charges
SR.NO. 20187

सत्यमेव जयते

Order

in
CRL MP.14173/2018
WEB COPY

in CRL.A.NO.647 OF 2018

Date :29/10/2018

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RD 30/10/2018