

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Second day of November Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14661 of 2018

& CRL.A.NO.686 OF 2018

S.MAHESWARAN

[PETITIONER / APPELLANT]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-II DETT,
CHENNAI-20.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.686 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of petitioners imposed by the court of Chief Judicial Magistrate/Special Judge at Chengalpattu in Special Case No.04 of 2007 dated 04.10.2018 against the Appellant / Accused (A4) pending disposed of the CRL.A.NO.686 OF 2018 [IN CRL.MP.NO.14661 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.686 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.A.LAXMI RAJ RATHNAM, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL 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 04.10.2018 made in Spl.Case No.4 of 2007 on the file of the learned Chief Judicial Magistrate/Special Judge, Chengalpattu, pending disposal of the appeal.

2. The petitioner herein is the 4th accused in Special Case No.4 of 2007 on the file of the Chief Judicial Magistrate/Special Judge, Chengalpattu. He was found guilty of the offences u/s. 7 and 13(2) r/w 13(1) & (d) of Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 8 of P.C Act	2 years S.I and fine of Rs.3,000/- in default to undergo S.I for 6 months

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 respondent has alleged that a joint surprise check was conducted on 10.09.2003 between 16.00 hrs and 20.30 hrs at R.T.O. Office, Meenambakkam at Alandur during this surprise check A1 who was looking after the seat B-6 was given an additional charge of B-5 seat whereas, the said B-5 seats was looked after by a private party that is A-3 on enquiry of A-3 told that he was nominated by A-2 to look after the seat and further the respondent alleged that A3 and A-4 the petitioner/appellant accepted and obtained Rs.3,020/- and Rs.16,715/- respectively for himself and for A1 and A2 working in the RTO/Meenambakkam as gratification other than legal remuneration as motive or reward for inducing by corrupt or illegal means any public servant A1 and A2 to process the application for fresh license and renewal of licenses of public and thereby A3 and A-4 the petitioner/appellant committed an offence punishable under Section 8 of the Prevention of Corruption Act, 1988.

4. The learned counsel for the petitioner/A-4 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 that the sentence has been suspended by the Trial Court till 03.11.2018. He would further submit that the sentences of the co-accused have been suspended by this Hon'ble Court.

5. The learned Additional Public Prosecutor has raised objections for suspending the 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 and that the sentence has been suspended by the trial Court. 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/Special Judge, Chengalpattu 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/-
02/11/2018

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 / SPECIAL
JUDGE AT CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

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

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY-II DETT, CHENNAI-20.

+1C.C. to M/S.A.LAXMI RAJ RATHNAM Advocate on payment of
necessary charges SR NO.20672

Order

in
CRL MP.14661/2018
& CRL.A.NO.686 OF 2018

Date :02/11/2018

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