

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.15119 of 2018

IN CRL A.710/2018

C.ANANDANE

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
SPE CBI ACB, CHENNAI,
THROUGH THE PUBLIC PROSECUTOR
FOR CBI, CHENNAI.
(RC MA1 2006 A 0001)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.710/2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence imposed on him in Special C.C.No.1 of 2008 on the file of the Learned Special Judge for Prevention of Corruption Act Cases (Principal Sessions Judge), Puducherry and enlarge him on bail pending disposal of CRL A.710/2018 [IN CRL.MP.NO.15119 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.710/2018 on the file of the High Court and upon hearing the arguments of M/S.M.SHAHJAHAN, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

Appellant was convicted for the offence under Section 13(1)(e) r/w 13(2) Prevention of Corruption Act, 1988 and sentenced to undergo R.I. for one year with a fine of Rs.1 lakh in default to undergo R.I. for three months by the learned Special Judge for Prevention of Corruption Act cases (Principal Sessions Judge) Puducherry by the Judgement dated 30.10.2018 in Special C.C.No.1 of 2008. The fine amount imposed by the Trial Court has been paid by the appellant. Hence, the appellant seeks suspension of sentence.

2.Heard the learned counsel for the appellant as well as the learned Special Public Prosecutor (CBI Cases).

3.The learned Senior counsel appearing for the appellant would submit that the appellant immediately surrendered before the Trial Court after the expiry of suspension of sentence on 11.12.2018. The appellant is a senior citizen and is suffering from his old age ailments. He would further submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the appellant is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Special Judge for Prevention of Corruption Act Cases (Principal Sessions Judge), Puducherry and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

-sd/-

14/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE SPECIAL JUDGE FOR
PREVENTION OF CORRUPTION ACT CASES
[PRINCIPAL SESSIONS JUDGE],
PUDUCHERRY.

2 THE SPECIAL PUBLIC
PROSECUTOR FOR CBI CASES,
CHENNAI.

3 THE INSPECTOR OF POLICE,
SPE CBI ACB, CHENNAI,
THROUGH THE PUBLIC PROSECUTOR
FOR CBI, CHENNAI.

+2C.C. to M.SHAHJAHAN Advocate on payment of necessary
charges SR NO.23990

Order

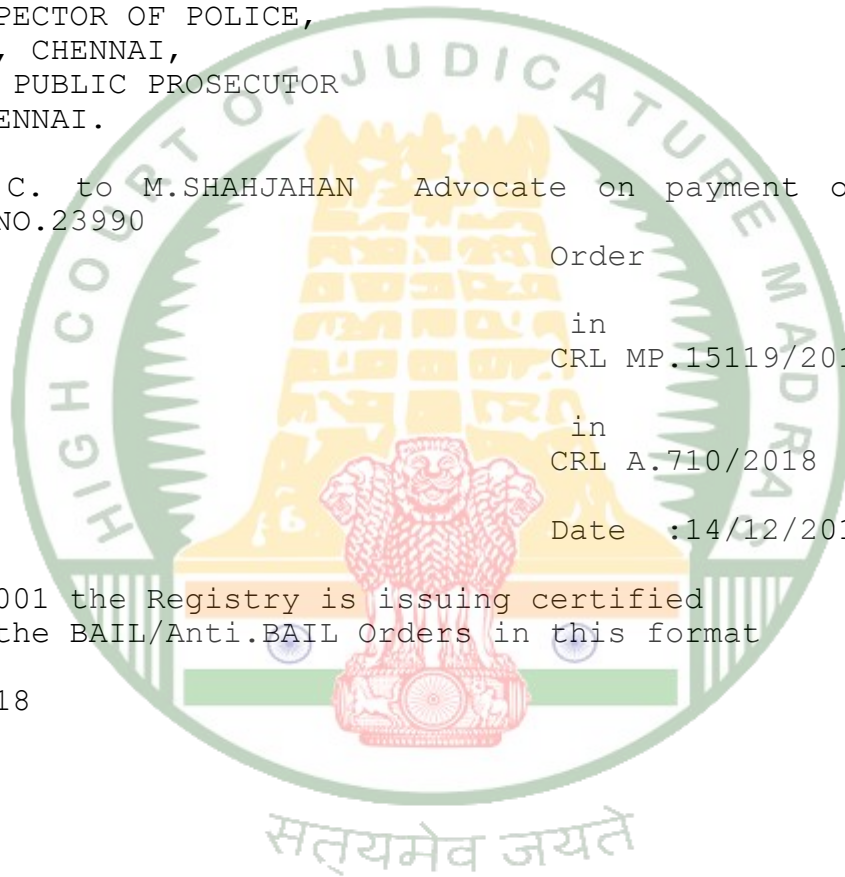
in
CRL MP.15119/2018

in
CRL A.710/2018

Date :14/12/2018

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

MK:14/12/2018



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