

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.15104 of 2018

IN CRL A.708/2018

N.V.NAGARAJAN

[ PETITIONER ]

Vs

STATE REPRESENTED BY [ RESPONDENT ]  
THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
KRISHNAGIRI, KRISHNAGIRI DISTRICT.  
(CR.NO.1/AC/2011/KG)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.708/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Honble Special Judge/ Chief Judicial Magistrate, Krishnagiri, Krishnagiri District in Special Calender case No.02 of 2012 dated 31.10.2018 enlarge the petitioner on bail pending disposal of the appeal.[CRL.MP.NO.15104/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.708/2018 on the file of the High Court and upon hearing the arguments of M/S.V.RAJAMOHAN Advocate for the petitioner and of MR.R,RAVICHANDRAN Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The petitioner was convicted for the offences punishable under sections 7 and 13(2)r/w 13(1)(d) of the prevention of corruption Act and sentenced him to undergo 6 months Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one months Simple Imprisonment for the offence under section 7 of the Prevention of Corruption Act and to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month Simple Imprisonment for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, by the learned Special Judge/Chief Judicial Magistrate, Krishnagiri, Krishnagiri District, under judgment in Spl.C.C.NO.2 of 2012 dated 31.10.2018. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel appearing for the petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable.

He would further submit that though the trial court suspended the sentence till 30.11.2018 and after expiry of the period, the petitioner surrendered before the trial court on 11.12.2018 and the petitioner is now confined in Central Prison, Vellore.

3. Heard the submissions of the learned Government Advocate (Criminal Side).

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 opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.1,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Krishnagiri, Krishnagiri District, and on further condition that the petitioner shall appear before the said court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

-sd/-

17/12/2018

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/CHEIF  
JUDICIAL MAGISTRATE, KRISHNAGIRI  
KRISHNAGIRI DISTRICT

2 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
KRISHNAGIRI,  
KRISHNAGIRI DISTRICT.

+1 C.C. to M/S.V.RAJAMOHAN Advocate on payment of necessary charges SR.NO. 24162

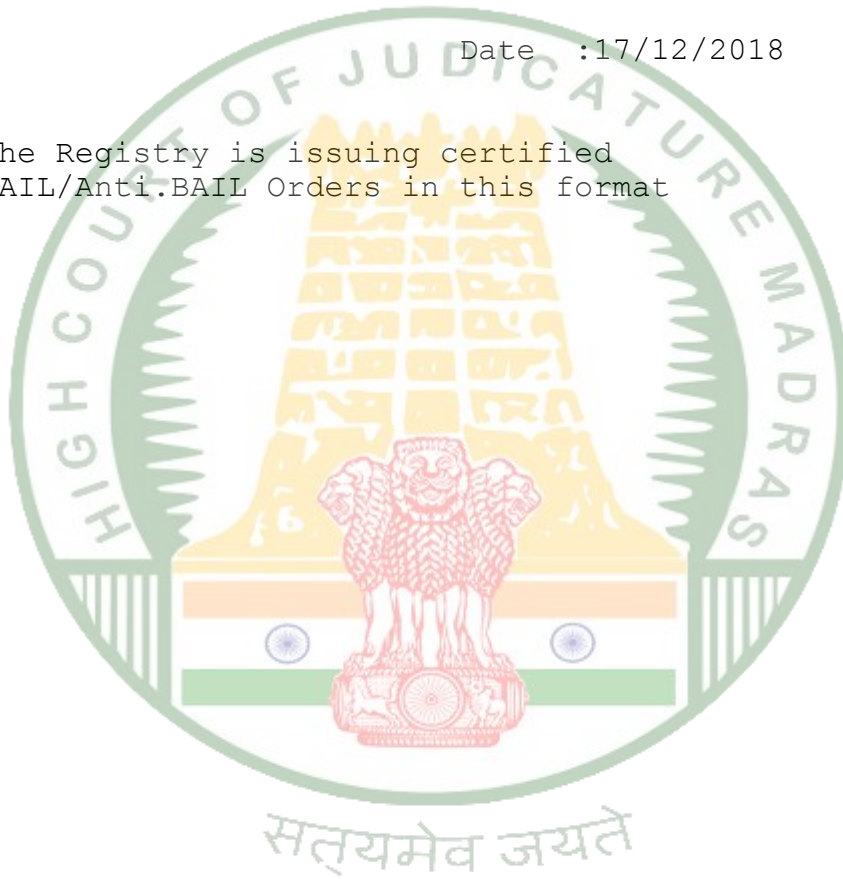
Order

in  
CRL MP.15104/2018

in  
CRL A.708/2018

Date :17/12/2018

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RD 17/12/2018



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