

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.15303 of 2018

IN CRL A.724/2018

ASHOK ANAND

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
SPE CBI ACB,

[RESPONDENT]

CHENNAI THROUGH PUBLIC PROSECUTOR FOR CBI,
CHENNAI
(RC MAI 2006 A 0001).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.724/2018 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 C.A.no.724 of 2018.[CRL.MP.NO.15303/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.724/2018 on the file of the High Court and upon hearing the arguments of M/S.M.S.GOVINDARAJAN, 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:-

Petitioner was convicted for offence under Section 13(1)(e) r/w 13(2) of Prevention of Corruption Act 1988 r/w 109 of IPC and sentenced to undergo Rigorous Imprisonment for one year with a fine of Rs.1,00,000/- in default to undergo three months Rigorous Imprisonment, by the learned Special Judge for Prevention of Corruption Act Cases (Principal Sessions Judge), Puducherry in Spl.C.C.No.1 of 2008 dated 30.10.2018. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is the 2nd accused in Spl.C.C.No.1 of 2008 and he has paid the fine amount and sentence of the petitioner is suspended by the learned Special Judge for Prevention of Corruption Act Cases (Principal Sessions Judge), Puducherry, till 29.11.2018. Further the petitioner is the son of the 1st accused and he was implicated in the offences as stated by the prosecution. He would further submit that

the petitioner is having his own independent sources of income. Further there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Special Public Prosecutor for CBI Cases on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant 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 in 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 petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., pending appeal.

-sd/-
26/11/2018

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 SPECIAL JUDGE FOR
PREVENTION OF CORRUPTION ACT
CASES[PRINCIPAL SESSIONS JUDGE]
PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY[FOR INFORMATION]

3 THE SPECIAL PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 C.C. to M/S.M.S.GOVINDARAJAN Advocate on payment of necessary
charges SR.NO. 22395

Order

in
CRL MP.15303/2018

in
CRL A.724/2018

Date :26/11/2018

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RD 29/11/2018