

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice KRISHNAN RAMASAMY

CRIMINAL MISCELLANEOUS PETITION Nos.16007 and 16010 of 2018

IN CRL.A.Nos.775 AND 776 OF 2018

L.GURUSAMY

[PETITIONER /
IN CRL.MP.NO.16007 OF 2018]

ANANDH ARUPUTHARAJ

[PETITIONER /
IN CRL.MP.NO.16010 OF 2018]

Vs

STATE BY [RESPONDENT
THE DEPUTY SUPERINTENDENT OF POLICE, IN BOTH THE PETITIONS]
VIGILANCE AND ANTI CORRUPTION,
CHENNAI C.C-3, CHENNAI,
CR.NO.4/AC/2008.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.Nos.775 AND 776 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 Special Judge Cum Chief Judicial Magistrate, Chengalpattu, made in Spl.Case No.15 of 2010 dated 08/11/2018 and enlarge the petitioner on bail pending disposal of the above CRL.A.Nos.775 AND 776 OF 2018. [IN CRL.MP.NOS.16007 & 16010 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.Nos.775 AND 776 OF 2018 on the file of the High Court and upon hearing the arguments of MR.T.R.RAVI, Advocate [IN CRL.MP.NO.16007 OF 2018] AND MR.P.GOVINDARAJAN, Advocate [IN CRL.MP.NO.16010 OF 2018] for the petitioners and of MR.R.RAVICHANDRAN, GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

The petitions have been filed to suspend the sentence of imprisonment imposed in the judgment dated 08.11.2018 made in Spl.Case.No.15 of 2010 on the file of the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu, pending disposal of the appeals.

2. The petitioners herein are the accused in Spl.Case.No.15 of 2010 on the file of the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu. They have been found guilty, convicted and sentenced as under:

1st Accused :

S.No.	Conviction	Sentence
1.	U/s. 7 of Prevention of Corruption Act, 1988.	3 years S.I and pay a fine of Rs.5,000/- in default to undergo 6 months S.I.
2.	U/s. 13(1) d r/w 13(2) of the Prevention of Corruption Act, 1988	3 years S.I and pay a fine of Rs.5,000/- in default to undergo 6 months S.I.

2nd Accused :

S.No.	Conviction	Sentence
1.	U/s. 12 of Prevention of Corruption Act, 1988.	2 years S.I and pay a fine of Rs.3,000/- in default to undergo 6 months S.I.

Aggrieved against the same, the petitioners have preferred these appeals along with the petitions for suspension of sentence.

3. The learned counsel appearing for the petitioners would submit that there are several infirmities and inconsistencies found in the prosecution case. Further the sentence of the petitioners are suspended till 30.11.2018. He would further submit that the trial Court erred in believing the evidences of the witnesses. Further he would submit that it will take some considerable time for the appeals to be listed for final hearing and pray for suspension of sentence.

4. The learned Additional Public Prosecutor appearing for respondent opposed to grant suspension of sentence stating that the petitioners have not given cogent and convincing reason for suspension of sentence and that the trial Court has rightly convicted the petitioners.

5. 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 appeals and that it would take sometime for final hearing of the appeals. I am inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, the substantive sentence of imprisonment imposed on the petitioners by the trial Court alone is hereby suspended till the disposal of the appeals and the petitioners are ordered to be enlarged on bail on executing a bond for Rs.15,000/- [Rupees Fifteen Thousand only] each with two sureties each for a like sum to the satisfaction of the learned Special Judge cum Chief Judicial Magistrate, Chengalpattu, and on further condition that the

petitioners 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/-
27/12/2018

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 CUM CHIEF
JUDICIAL MAGISTRATE, CHENGALPET.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CHENNAI C.C-3, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.T.R.RAVI Advocate on payment of necessary charges
in SR.NO. 25046

+1C.C. to M/S.P.GOVINDARAJAN Advocate on payment of necessary
charges in SR.NO. 25047

Order

in
CRL MP.Nos.16007 and 16010 of 2018

IN
CRL.A.Nos.775 AND 776 OF 2018

Date :27/12/2018

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MLT-03/01/2019