

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.16654 of 2018

IN CRL A.805/2018

P.NARASIMHAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
VELLORE.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.805/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence, passed in Special Case No.4 of 2010 by the Learned Special Judge and Chief Judicial Magistrate, Vellore on 29.11.2018 and the petitioner enlarged on bail till the disposal of the Crl.A.805 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.805/2018 on the file of the High Court and upon hearing the arguments of M/S.V.N.KRISHNAMURTHY Advocate for the petitioner and of MR.R.RAVICHANDRAN Government Advocate [crl.side] on behalf of the Respondent the court made the following order:-

Appellant was convicted for the offence under Section 7 and 13 (2) r/w 13(1)d of the Prevention of Corruption Act, 1988 and sentenced to undergo R.I. for four years with a fine of Rs.2,500/- in default to undergo R.I. for two months under Section 7 and sentenced to undergo R.I. for four years with a fine of Rs.2,500/- in default to undergo R.I. for two months R.I. under Section 13(2) r/w 13(1)d by the learned Special Judge and Chief Judicial Magistrate, Vellore by the Judgement dated 29.11.2018 in Special Case No.4 of 2010. 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 Government Advocate (Crl. Side).

3.The learned counsel appearing for the appellant would submit that the appellant is in judicial custody for more than 22 days 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, Vellore 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/-
19/12/2018

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
VELLORE

2 THE SPECIAL JUDGE AND
CHIEF JUDICIAL MAGISTRATE, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
VELLORE.

+1 C.C. to M/S.V.N.KRISHNAMURTHY Advocate on payment of
necessary charges SR.NO. 24392

Order

in

CRL MP.16654/2018

in

CRL A.805/2018

Date :19/12/2018

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RD 19/12/2018