



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.5267 of 2018

IN

CRL A (MD) No.302 of 2018

R.CHELLAPANDIAN

... PETITIONER/APPELLANT/ACCUSED

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION,
VIRUDHUNAGAR,
CRIME NO.6/2008

... RESPONDENT/RESPONDENT

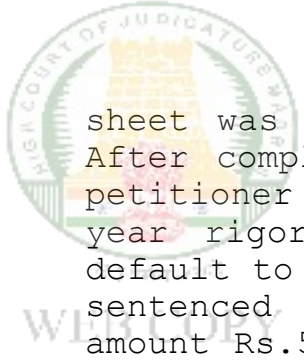
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in Spl.Case No.38/2014 (Old.Spl.Case No.21/2012) dated 26/06/2018 on the file of the Special Court for Trial of Prevention of Corruption Act Cases cum Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.N.SANKAR GANESH, Advocate for the petitioner and of MR.M.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed against the conviction and sentence imposed by the learned Special Court for trying the cases under the Prevention of Corruption Act Cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in Special C.C.No.38 of 2014, dated 26.06.2018.

2.Heard Mr.N.Sankar Ganesh, learned counsel appearing for the petitioner and Mr.M.Chandrasekaran, learned Additional Public Prosecutor appearing for the respondent.

3.The petitioner is not a Government Servant. The petitioner was found in possession of Rs.11,430/-., for paying some Government Servants, who are working in the Motor Vehicle Inspector's Office at Sivakasi for getting NLR license and renewal of license etc. Charge



sheet was filed under Section 173 (2), as against the petitioner. After completion of the trial, the trial court has found that the petitioner guilty of the offence and he was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment. Further, he was sentenced to undergo one year Rigorous Imprisonment and a fine amount Rs.5,000/- in default three months simple imprisonment under Section 9 of Prevention of Corruption Act.

4.As against the order, the petitioner has filed this Criminal Appeal before this Court and filed a petition for suspension of sentence till the disposal of the Criminal Appeal.

5.On the side of the petitioner, it is stated that the petitioner is not a Public Servant or a tout and he is running a private driving school under Section 27 Motor Vehicles Act, he is entitled to enter the premises of the Motor Vehicles's Inspector Office and the amount was kept for paying license fees for the students of the driving school.

6.On the side of the respondent, it is stated that the petitioner is only a broker and this is a trap case. The petitioner was found in possession of the amount for paying a sum of Rs.11,430/- as illegal gratification for the officials, who work in the Motor Vehicle Office at the time. As per Circular No.174 and as per Rule No.430, touts are not permitted to enter the Motor Vehicle Inspector Office. The prosecution examined 19 witnesses and 33 Exhibits, three M.O.s were marked and prayed to dismiss the petition.

7.Records perused. The trial court has suspended the sentence till 25.07.2018. Whether the appellant is a tout or genuine person can be decided only at the time of disposal of the appeal. It is stated that they are considerable points for appreciating the appeal. Hence, this Court is also inclined to grant suspension of sentence till the disposal of the appeal.

8.This Court is inclined to grant suspension of sentence till the disposal of the appeal, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur., and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.



month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

9. The petitioner must co-operate with the court for speedy disposal of the case.

10. Post this matter on 31.07.2018.

sd/-
11/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PREVENTION OF CORRUPTION ACT CUM
CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.N.SANKAR GANESH, Advocate SR.No.12745

ORDER
IN
CRL MP(MD) No.5267 of 2018
IN
CRL A(MD) No.302 of 2018
Date :11/07/2018 (2/2)

PK/JC/SAR-1/30.07.2018 : 3P/6C