

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.426 of 2019

in CRL.A.No.17 of 2019

THANGAVEL

[PETITIONER/APPELLANT]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
DHARMAPURI DISTRICT
CRIME NO.02/AC/2011/DP

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to enlarge the petitioner on bail in connection with judgment dated 21.12.2018 passed in Spl.C.C.No.1 of 2013 on the file of the Special Judge Chief Judicial Magistrate, Dharmapuri pending disposal of the above CRL.A.No.17 of 2019 [CRL.M.P.No.426 of 2019]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.EZHILARASAN, Advocate for the petitioner and of G.RAMAR Government Advocate on behalf of the Respondent the court made the following order:-

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 21.12.2018 made in Spl.C.C.No.01 of 2013 on the file of the learned Special Judge/Chief Judicial Magistrate, Dharmapuri pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Special Case No.01 of 2013 on the file of the learned Special Judge/Chief Judicial Magistrate, Dharmapuri. He was found guilty of the offence u/s.7 & 13(2) r/w 13(1) & (d) of Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of P.C Act	1 year R.I and fine of Rs.3,000/- in default to undergo S.I for 3 months
2.	Section 13(2) r/w 13(1)(d) of P.C Act, 1988	1 year R.I. and fine of Rs.3,000/- in default to undergo S.I for 3 months.

Aggrieved against the same, the petitioner has preferred this appeal.

3. The case of the prosecution is that the petitioner/appellant was working as Firka Inspector, Taluk Office, Pappireddipatti Taluk, Dharmapuri District and that he had demanded Rs.2,000/- as illegal gratification for surveying the land from PW2/Sivakumar and thereafter, on information given from the said Sivakumar/P.W.2 to the respondent, a trap was laid on 09.09.2011 and the petitioner/appellant was got red handed while accepting the bribe amount and thereby, the respondent registered a case for the offences punishable under Sections 7 and 13(2) r/w 13(1) & (d) of Prevention of Corruption Act, 1988.

4. The learned counsel for the petitioner/appellant would submit that at the time of registration of the case the petitioner/appellant was arrested and remanded to judicial custody and and thereafter released on bail on furnishing sureties. Thereafter, the trial was conducted and that the petitioner has been convicted as stated above. He would further submit that on a petition being filed the trial Court had suspended the sentence till 21.02.2019 and that he has also paid the fine amount.

5. The learned counsel for the petitioner/appellant would submit that while the petitioner/appellant was on bail during the trial he has not misused the liberty granted to him during the trial and he has been suspended and during pendency of the case and he has also not been permitted to retire from service. He would also submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding the appeal and would pray that it may take some time for the records to be made ready and the appeal being listed for final hearing. Therefore, he prays for grant of suspension of sentence to the petitioner/appellant.

6. The learned Government Advocate (CrI.Side) has raised objections for suspending the sentence.

7. Taking into consideration the submissions made by the learned counsels and also considering that there are arguable points available in the appeal, I am inclined to suspend the substantive sentence of imprisonment alone subject to the following conditions that:-

(i) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge/Chief Judicial Magistrate, Dharmapuri.

(ii) the petitioner shall appear before the above said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
11/02/2019

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 /
CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION
DHARMAPURI DISTRICT

+1 C.C. to M/S.R.EZHILARASAN Advocate on payment of necessary charges SR.NO.2922

सत्यमेव जयते
Order

in
CRL MP.No.426 of 2019
in
CRL.A.No.17 of 2019

Date :11/02/2019

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cm 11/02/2019