

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.751 of 2019

IN CRL A.No.37 of 2019

M.VALARMATHI

[PETITIONER / APPELLANT]

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VELLORE.
CRIME NO.10 OF 2003.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.37 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Special Case No.02 of 2008, on the file of the Special Judge cum Chief Judicial Magistrate, Vellore dated 07.02.2019 and enlarge the appellant on bail, pending disposal of the above CRL A.No.37 of 2019 [CRL.M.P.No.751 of 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.No.37 of 2019 on the file of the High Court and upon hearing the arguments of M/S.A.E.RAVICHANDRAN, Advocate for the petitioner, and of MR.R.RAVICHANDRAN Government Advocate on behalf of the Respondent, the court made the following order:-

Appellant was convicted for the offence under Section 109 IPC r/w Section 7, 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 and sentenced to undergo R.I. for 4 years and fine of Rs.2,500/- and in default to undergo R.I. for 3 months. The fine amount has been deposited into the Trial Court, by the learned Special Judge cum Chief Judicial Magistrate, Vellore, in Special Case No.02 of 2008 dated 07.01.2019. 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 petitioner /A2 is a cancer patient and she is not a public servant. The allegation against A2 is she was abetting A1 in procuring disproportionate wealth and there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. The appellant is now confined at Central Prison (women), Vellore.

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 cum Chief Judicial Magistrate, 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/-

11/01/2019

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 CUM
CHIEF JUDICIAL MAGISTRATE,
VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN),
VELLORE

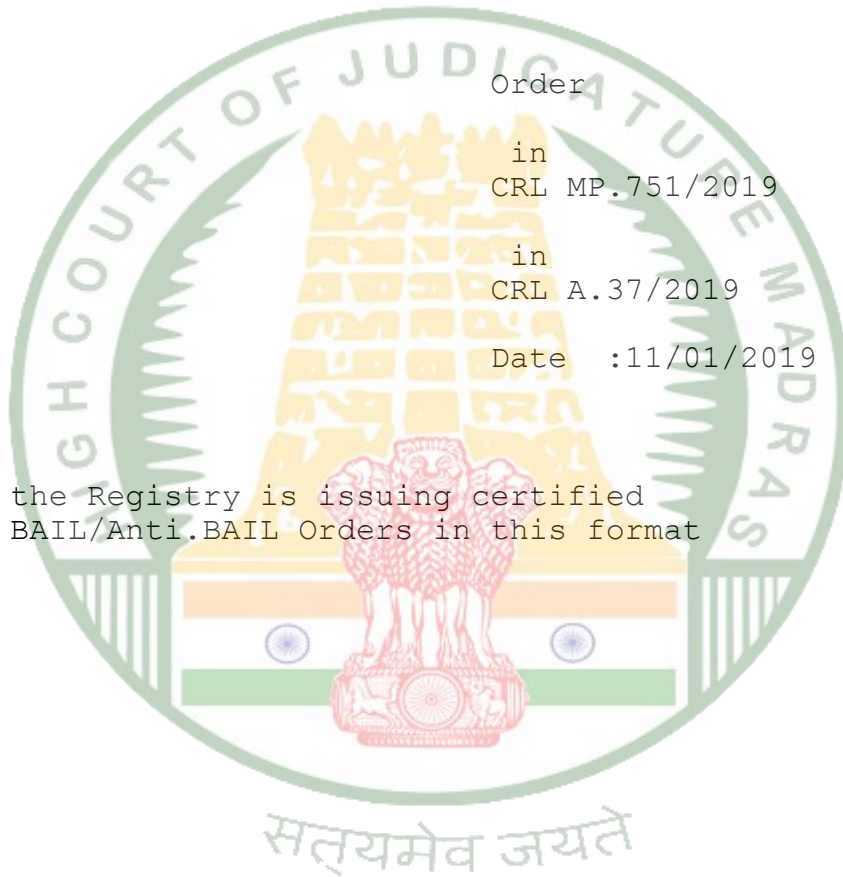
4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VELLORE

+2 C.C. to M/S.A.E.RAVICHANDRAN Advocate on payment of
necessary charges SR.NO.830

Order
in
CRL MP.751/2019
in
CRL A.37/2019
Date :11/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

cm 11/01/2019



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