

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.1063 of 2019

IN CRL.A.NO.37 OF 2019

R.MURALI

[PETITIONER / APPELLANT]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
VELLORE.
(CR.NO.10/2003)

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 07.01.2019 and enlarge the appellant on bail, pending disposal of the above CRL.A.NO.37 OF 2019 [IN CRL.MP.NO.1063 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, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The Appellant was convicted for the offence under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for five years and also to pay a fine of Rs.25,000/- in default to undergo Rigorous Imprisonment for 3 months, 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 immediately after the conviction, the petitioner was surrendered before the Trial Court. The petitioner is in prison till date. He is suffering from ageing ailments. The learned counsel would further submit that 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, 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/-

23/01/2019

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.

सत्यमेव जयते

TO

1 THE SPCIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION,
VELLORE.

+2C.C. to M/S.A.E.RAVICHANDRAN Advocate on payment of necessary
charges SR NO.1392

Order

in
CRL MP.1063/2019

in
CRL.A.NO.37/2019

Date :23/01/2019

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

MK:23/01/2019



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