

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.1914 of 2019

IN CRL.A.NO.73 OF 2019

M.INDIRANI

[PETITIONER]

Vs

STATE OF TAMIL NADU REP BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
ERODE V AND AC CR.NO. 9/AC/2005/ER.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.73 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned Chief Judicial Magistrate/Special Judge, Erode in Spl.CC.No.19 of 2015 dt.28.12.2018 enlarge the petitioner on bail pending disposal of the CRL.A.NO.73 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.73 OF 2019 on the file of the High Court and upon hearing the arguments of MR.S.VIJAYAKUMAR, Advocate for the petitioner and of MR.K.PRABAKAR, PUBLIC PROSECUTOR (V AND AC) 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 28.12.2018 made in Spl.C.C.No.19 of 2015 on the file of the learned Chief Judicial Magistrate/Special Judge, Erode pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Special C.C.No.19 of 2015 on the file of the learned Chief Judicial Magistrate/Special Judge, Erode. She was found guilty of the offence u/s.7 & 13(2) r/w 13(1) & (d) of Prevention of Corruption Act, 1988 and she 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.5,000/- in default to undergo S.I for 6 months.
2.	Section 13(2) r/w 13(1)(d) of P.C Act, 1988	2 years R.I. and fine of Rs.10,000/- in default to undergo S.I for 6 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 Village Administrative Officer, Perundurai "A" Village, Erode and that she had demanded Rs.200/- as illegal gratification for processing the Distress Relief Fund from PW2/Arukkani and thereafter, on information given by the said Arukkani/P.W.2 to the respondent, a trap was laid on 20.04.2005 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 after registration of the case the petitioner was arrested and remanded to judicial custody 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 25.02.2019 and that she 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 she has not misused the liberty granted to her during the trial. He would further submit that she is a senior citizen, aged about 66 years and submit that though she had attained the age of superannuation, she was not allowed to retire from her service and terminal benefits have also not been settled. 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 Additional Public Prosecutor 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/appellant 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 Chief Judicial Magistrate/Special Judge, Erode.

(ii) the petitioner/appellant 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/-
13/02/2019

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 CHIEF JUDICIAL MAGISTRATE/
SPECIAL JUDGE, ERODE.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION, ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS. [V AND AC]

+1C.C. to M/S.S.VIJAYAKUMAR Advocate on payment of necessary charges in SR.NO. 3164

Order

in
CRL MP.1914/2019
IN CRL.A.NO.73 OF 2019

Date :13/02/2019

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