

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.1945 of 2019

in CRL A.NO.75 OF 2019

T.K.S.MOHAN

[PETITIONER]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
COIMBATORE DISTRICT.
CR.NO.12/2013/AC/CB.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.75/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed Spl.CC.No.13/2014 dated 11.02.2019 in the court of Honble The Special Judge for cases under the Prevention of Corruption Act, Coimbatore pending disposal of the criminal appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.75/2019 on the file of the High Court and upon hearing the arguments of M/S.S.RAMACHANDRAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR 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 11.02.2019 made in Spl.C.C.No.13 of 2014 on the file of the learned Special Judge for Cases under the Prevention of Corruption Act, Coimbatore pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Special Case No.13 of 2014 on the file of the learned Special Judge for Cases under the Prevention of Corruption Act, Coimbatore. 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	2 years R.I and fine of Rs.2,000/- in default to undergo S.I for 4 months
2.	Section 13(2) r/w 13(1) (d) of P.C Act, 1988	2 years R.I. and fine of Rs.2,000/- in default to undergo S.I for 4 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, Pappampatty Village, Sulur Taluk, Coimbatore District and that he had demanded Rs.4,000/- as illegal gratification for recommending name transfer of Patta from PW2/S.Kumar @ Chandrasekar and thereafter, based on the written complaint given by the said S.Kumar @ Chandrasekar/P.W.2 to the respondent a trap was laid on 17.10.2013 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/appellant 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 08.02.2019 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. 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. The learned counsel for the petitioner/appellant would also submit that he is under suspension. 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 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 for Cases under the Prevention of Corruption Act, Coimbatore.

(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/-

06/02/2019

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 FOR CASES
UNDER THE PREVENTION OF CORRUPTION ACT,
COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
COIMBATORE DISTRICT.

+1 C.C. to M/S.S.RAMACHANDRAN Advocate on payment of necessary charges SR.NO. 2649

Order

in

CRL MP.1945/2019

in CRL A.NO.75 OF 2019

Date :06/02/2019

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RD 07/02/2019