

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of February Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.2181 of 2019

IN CRL.A.NO.86 OF 2019

S.CHANDRASEKAR

[PETITIONER]

Vs

INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
KANCHIPURAM.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.86 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Special case no.12/2010 by the learned Special Judge and Chief Judicial Magistrate, Chengalpattu on 30.01.2019 and to enlarge the Appellant / accused on bail till the disposal of the Crl.Appeal No.86 OF 2019 pending on the file of this Hon`ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.86 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.V.N.KRISHNAMURTHY, Advocate for the petitioner and of MR.K.PRABAKAR, PUBLIC PROSECUTOR (V AND C) 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 30.01.2019 made in Spl.Case.No.12 of 2010 on the file of the learned Special Judge and Chief Judicial Magistrate, Chengalpattu, pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Spl.Case.No.12 of 2010 on the file of the learned Special Judge and Chief Judicial Magistrate, Chengalpattu. He was found guilty of the offence u/s.7 & 13(1)(d) r/w 13 (2) 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	3 years S.I and fine of Rs.5,000/- in default to undergo S.I for 6 months
2.	Section 13(1) (d) r/w 13(2) of P.C Act	3 years S.I and fine of Rs.5,000/- 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 was working as a Head Constable in Uthiramerur Police Station during the period from 03.06.2008 to 16.12.2008. On 14.12.2008, he had demanded a sum of Rs.5,000/- as illegal gratification from the defacto complainant, to release his two wheeler bearing Registration No.TN25D 4827. Therefore, a trap was laid on 16.12.2008 and the petitioner/appellant was caught red handed while accepting the bribe amount and thereby, the respondent registered a case for the offences punishable under Sections 7 and 13(1) (d) r/w 13 (2) of the 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 during the trap proceedings and remanded to judicial custody. Thereafter, he was in judicial custody for about 11 days and he had been granted bail by the trial Court. He would further submit that the petitioner was on bail throughout the trial and that he has not misused the liberty granted to him. He would also submit that the petitioner has received a show cause notice from the Government, after conviction. He would further submit that the sentence of the petitioner is suspended by the trial Court till 21.02.2019 and that he has also paid the fine amount on 30.01.2019. 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.

5. The learned Additional Public Prosecutor appearing for respondent opposed to grant suspension of sentence to the petitioner.

6. 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 and Chief Judicial Magistrate, Chengalpattu.

(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/-
18/02/2019

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 AND
CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHIPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS. (V AND C)

+1C.C. to M/S.V.N.KRISHNAMURTHY Advocate on payment of
necessary charges in SR.NO. 3554

सत्यमेव जयते

Order

in

CRL MP.2181/2019

IN CRL.A.NO.86 OF 2019

Date :18/02/2019

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