

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of March Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.2230 of 2019

in CRL.A.NO.88/2019

A.THIRUGNANA SAMBANDAM

[ACCUSED/APPELLANT/ PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VILLUPURAM TALUK AND DISTRICT.
(CR.NO.7/2008)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.88 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioner by the learned Special Judge, Special Court for Prevention of Corruption Act cases, Villupuram in Spl.C.No.12 of 2014 by Judgement dated 29.01.2019 convicting the petitioner herein for offences under Sections 7, 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 and sentencing him to undergo a rigorous imprisonment of four year and also pay a fine of Rs.1,000/- in default to undergo 3 months simple imprisonment under Section 7 and sentenced to undergo five years rigorous imprisonment and a fine of Rs.5,000/- in default to undergo 6 months simple imprisonment for offences under Section 13(2) read with Section 13(1) (d) of Prevention of Corruption Act, 1988 and both the sentences run concurrently and enlarge him on bail pending disposal of the above Crl.Appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.88 of 2019 on the file of the High Court and upon hearing the arguments of M/SC.PRASANNA VENKATESH, Advocate for the petitioner and of MR. K.PRABAKAR, ADDL. PUBLIC PROSECUTOR (V AND AC) CASES, 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 29.01.2019 made in Spl.C.No.12 of 2014 on the file of the learned Special Judge, Special Court for P.C. Act Cases, Villupuram, pending disposal of the appeal.

2. The petitioner/appellant herein is the sole accused in Spl.C.No.12 of 2014 on the file of the learned Special Judge, Special

Court for P.C. Act Cases, Villupuram. He has been found guilty of the offences u/s. 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The petitioner/appellant has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	U/s. 7 of Prevention of Corruption Act, 1988.	4 years R.I and pay a fine of Rs.1,000/- in default to undergo 3 months S.I.
2.	U/s. 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	5 years R.I and pay a fine of Rs.5,000/- in default to undergo 6 months S.I.

Aggrieved against the same, the petitioner/appellant has preferred this appeal along with the petition for suspension of sentence.

3. The case of the prosecution is that on 07.11.2008, at about 12.00 hrs, the petitioner, at his (EB) Office, Madurapakkam, demanded Rs.1,000/- as bribe and after request the petitioner/appellant reduced and demanded Rs.500/- as bribe from the complainant, as gratification other than legal remuneration, as a motive for doing his official act to sanction the estimate for free service connection under normal scheme in the name of his father. Pursuant to the aforesaid demand, on 14.11.2008, between 11.45 hrs and 11.50 hrs, at Madurapakkam EB Office, the petitioner/appellant reiterated the said demand and a trap was laid and the petitioner/appellant was caught while accepting the bribe. After completion of investigation, the respondent filed final report and the petitioner/appellant was charged and tried for offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, and further convicted for the above stated offences.

4. The learned counsel appearing for the petitioner/appellant would submit that there are several infirmities and inconsistencies found in the prosecution case and the trial Court erred in believing the uncorroborated evidences of the witnesses. Further he would submit that the petitioner/appellant has a fair chance of succeeding in the appeal and that it will take some considerable time for the appeal to be listed for final hearing and would pray for suspension of sentence. He would submit that the entire fine amount has been paid.

5. The learned Additional Public Prosecutor appearing for the respondent opposed to grant suspension of sentence and would submit that the trial Judge convicted the petitioner/appellant based on legal evidence.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels on either side and that there are arguable points involved in the appeal and

that it would take sometime for final hearing of the appeal. I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, the substantive sentence of imprisonment imposed on the petitioner/appellant by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- [Rupees Fifty Thousand only] each with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court for P.C. Act Cases, Villupuram, and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

11/03/2019

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, SPECIAL
COURT FOR PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE ADDL. PUBLIC PROSECUTOR
(V AND AC) CASES, HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VILLUPURAM TALUK AND DISTRICT.

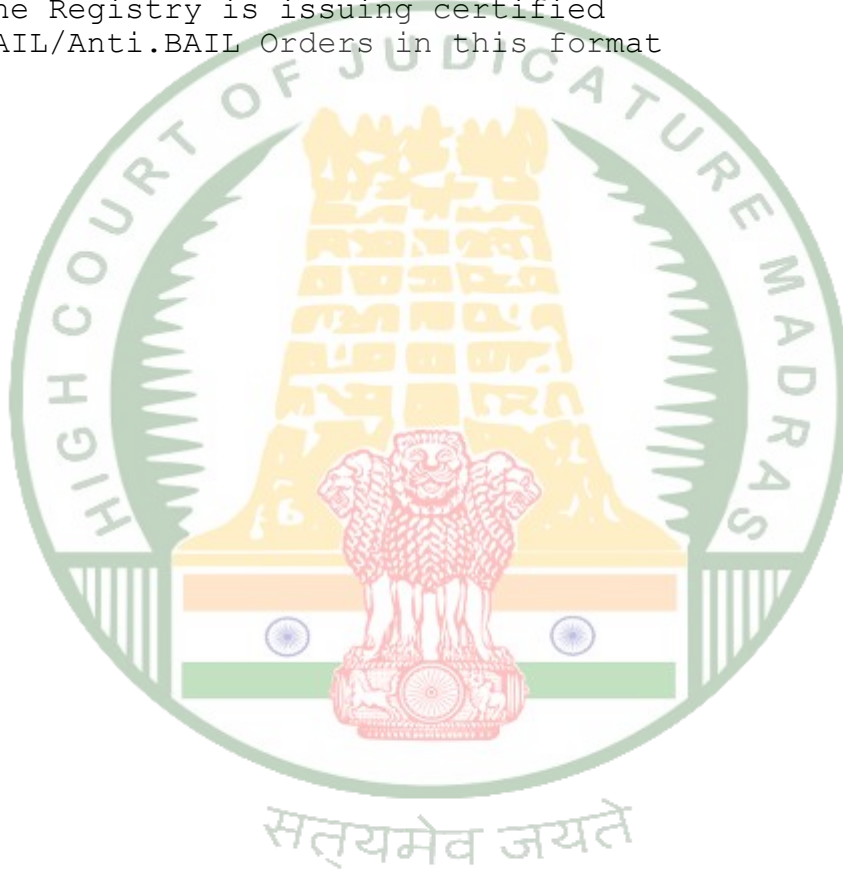
+1 C.C. to M/S.C.PRASANNA VENKATESH Advocate on payment of
necessary charges -Sr.5011

Order

in
CRL MP.2230/2019
in CRL.A.NO.88/2019

Date :11/03/2019

From 7.2.2001 the Registry is issuing certified
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ths : 11.03.2019



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