

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.2240 of 2019

IN

CRL.A.NO.91 OF 2019

SENGODAN

[APPELLANT / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]

THE INSPECTOR OF POLICE,
SPECIAL INVESTIGATION WING,
VIGILANCE AND ANTICORRUPTION,
CHENNAI-600 028.
CR.NO.1 OF 2009.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.91 OF 2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioner appellant on bail by suspending the sentence imposed in Spl.Case No.7 of 2009 by the Learned Special Judge cum Chief Judicial Magistrate, Chengalpattu on 28.01.2019 pending disposal of the above appeal in CRL.A.NO.91 OF 2019 [IN CRL.MP.NO.2240 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.91 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.L.BASKARAN Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL 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 28.01.2019 made in Special Case.No.7 of 2009 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Chengalpattu pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Special Case No.07 of 2009 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Chengalpattu. 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	3 years S.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	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/appellant was working as Forest Ranger, Arignar Anna Zoological Park, Vandalor, Chennai and that he had demanded Rs.4,000/- as illegal gratification for releasing payment of contract bill from PW2/Jothishwaran and thereafter, on information given by the said Jothishwaran/P.W.2 to the respondent, a trap was laid on 09.01.2009 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 the registration of the case and trap proceedings the petitioner/appellant was arrested and remanded to judicial custody and and thereafter released on bail by the trial Court on furnishing sureties. After trial the petitioner has been convicted as stated above. He would also submit that the petitioner has attained the age superannuation and he was not allowed to retire from his service and terminal benefits have also not been settled. He would further submit that on a petition being filed the trial Court had suspended the sentence till 18.02.2019 and that he has also paid the fine amount.

5. The learned counsel for the petitioner/appellant would further submit that while the petitioner/appellant was on bail during the trial he has not misused the liberty granted to him during 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. Therefore, he prays for grant of suspension of sentence to the petitioner/appellant pending disposal of appeal.

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-cum-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/-

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 SPECIAL JUDGE CUM
CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SPECIAL INVESTIGATION WING,
VIGILANCE AND ANTICORRUPTION,
CHENNAI

+1C.C. to BASKARAN L.M/S Advocate on payment of necessary charges SR NO.3222

Order

in
CRL MP.2240/2019
in
CRL.A.NO.91/2019

Date :13/02/2019

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MK:14/02/2019



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