

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of March Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.2401 OF 2019

IN CRL.A.NO.97 OF 2019

V.WILLYS

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

DEPUTY SUPERINTENDENT OF POLICE,
V AND AC, VILLUPURAM.
CR.NO.15 OF 2009.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.97 OF 2019 on the file of the High Court, the High Court will be pleased to enlarge the Petitioner/Appellant/Accused on bail by suspending the sentence imposed upon the Petitioner/Appellant/Accused by the Special Court for Prevention of Corruption Act cases, Villupuram in Special Case No.37 of 2014 dated.08.02.2019 pending disposal of the above CRL.A.NO.97 OF 2019 [IN CRL.MP.NO.2401 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.97 OF 2019 on the file of the High Court and upon hearing the arguments of MR.R.SHUNMUGASUNDARAM SENIOR COUNSEL FOR M/S.K.VENKATAPATHY, 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 08.02.2019 made in Spl.C.C.No.37 of 2014 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram pending disposal of the appeal.

2. The petitioner/A-2 herein is the accused in Special Case No.37 of 2014 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram. He was found guilty of the offences u/s.12 of Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 12 of P.C Act	4 years S.I and fine of Rs.1,000/- in default to undergo S.I for 1 month

Aggrieved against the same, the petitioner has preferred this appeal.

3. The case of the prosecution is that A-1 was working as Tahsildar, Taluk Office, Kallakurichi, Villupuram District and that he had demanded an amount of Rs.1,50,000/- towards illegal gratification other than legal remuneration for executing the order of this Court (to remove the encroachments in S.No.80/3). Further averment is that the petitioner/A-2, who was working under him as Private Driver abetted A-1 by collecting the amount on behalf of A-1 and that the petitioner/A-2 was got red handed while receiving the amount and phenolphthalein test conducted on him proved positive. After completion of investigation, the trial was conducted and the petitioner/A-2 was convicted for the offence under Section 12 of the Prevention of Corruption Act and sentenced to undergo imprisonment as stated above.

4. The learned counsel for the petitioner/A-2 would submit that after registration of the case the petitioner/A-2 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 the petitioner has paid the fine amount.

5. The learned counsel for the petitioner/A-2 would submit that while the petitioner/A-2 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. Therefore, he prays for grant of suspension of sentence to the petitioner/A-2.

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, Special Court for Prevention of Corruption Act Cases, Villupuram.

(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/-
13/03/2019

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 PUBLIC PROSECUTOR (V AND AC)
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
V AND AC, VILLUPURAM.

+1C.C. to M/S.K.VENKATAPATHY Advocate on payment of necessary charges SR NO.5248

Order

in

CRL MP.2401/2019

in

CRL.A.NO.97/2019

Date :13/03/2019

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MK:13/03/2019