

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.3329 of 2019

IN CRL.A.No.127 OF 2019

A.N.SELVAM

[PETITIONER]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
KANCHEEPURAM.

CR. NO.13/AC/2006.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.127 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him in Special Case No.4 of 2008 dt.22.2.2019 by the Special Court Cum Chief Judicial Magistrate Court, Chengalpattu, pending disposal of the above CRL.A.No.127 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.127 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.S.B.VISWANATHAN, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIIONAL PUBLIC PROSECUTOR (V AND AC) 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 22.02.2019 made in Special Case No.4 of 2008 on the file of the Special Court cum Chief Judicial Magistrate Court, Chengalpattu, pending disposal of the appeal.

2. The petitioner herein is the sole accused in Special Case No.4 of 2008 on the file of the Special Court cum Chief Judicial Magistrate Court, Chengalpattu. He has been found guilty of the offences u/s. 7 and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988. The petitioner has been convicted and sentenced as under:

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

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

3. The case of the prosecution is that the petitioner was working as Assistant Revenue Officer, Kancheepuram Municipality and on 06.11.2006, he demanded illegal gratification of Rs.750/- from the defacto complainant for effecting the change of name in the house tax and thereby a trap was laid and the petitioner was arrested and subsequently he was charged and tried for offences under Sections 7 and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988, and further convicted for the above stated offences as stated above.

4. The learned counsel for the petitioner would submit that while the petitioner was on bail during the trial he has not misused the liberty granted to him during the trial. He would also submit that the petitioner is a senior citizen and he has not been allowed to retire from service on reaching the date of superannuation on 31.07.2010 and retained in service till the criminal case is pending. He would further submit that the petitioner has paid the fine amount on 22.02.2019 and the sentence of the petitioner is suspended till 15.03.2019. 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 submit that it may take some time for the records to be made ready and the appeal being listed for final hearing and would pray for suspension of sentence.

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

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 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 Special Court cum Chief Judicial Magistrate Court, Chengalpattu, 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/-
06/03/2019

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 COURT CUM CHIEF
JUDICIAL MAGISTRATE COURT,
CHENGALPATTU.

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

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

+1C.C. to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges in SR.NO. 4682

Order
in
CRL MP.3329/2019

IN CRL.A.No.127 OF 2019

Date :06/03/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MLT-08/03/2019

<https://hcservices.ecourts.gov.in/hcservices/>