

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.4427 of 2019

in CRL.A.No.165 of 2019

A.SEETHARAMAN

[PETITIONER /APPELLANT]

vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.
CRIME NO.1/2011.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.165 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence ordered in Special Case No.18/2014 dated 19.03.2019 on the file of the Learned Special Court for Prevention of Corruption Act Cases, Villupuram, and thereby the petitioner may be released on Bail pending disposal of the CRL.A.No.165 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.165 of 2019 on the file of the High Court and upon hearing the arguments of M/S.SURESH N., Advocate for the petitioner and of MR.K.PRABAKAR Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 19.03.2018, made in Spl.C.No.18 of 2014, on the file of the learned Special Court for Prevention of Corruption Act Cases, Villupuram, pending disposal of the appeal.

2. The petitioner/accused herein is the accused in Special Case No.18 of 2014, on the file of the learned Special Court for the Prevention of Corruption Act Cases, Villupuram. He was found guilty of the offences 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 PC Act	4 years R.I and fine of Rs.1,000/- in default to undergo S.I for 3 months.
2.	Section 13(2) r/w 13(1) (d) of PC Act	5 years R.I. and fine of Rs.5,000/- in default to undergo S.I for 6 months.
Sentences were ordered to run concurrently.		

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

3. The case of the prosecution is that on 06.01.2011 at 17.00 hrs when the de-facto complainant approached the accused Village Administrative Officer of Vikravandi for doing his official function of recommending and forwarding the application of his niece (Sister's Daughter) to obtain marriage aid from Ramamirtham Ammal Niraivu Thirumana Nidhi, the accused Officer demanded a gratification of Rs.1,500/- and on his request he reduced it to Rs.1,000/- from the de-facto complainant other than legal remuneration, as a motive and reward for executing his official function. In pursuant of his aforesaid demand, on 07.01.2011 at about 17.00 hrs, the accused Village Administrative Officer reiterated his earlier demand and accepted Rs.1,000/- as gratification other than legal remuneration as a motive and reward, by corrupt and illegal means and by abusing his official position as a public servant, obtained the sum of Rs.1,000/- from the de-facto complainant as pecuniary advantage for himself and hence, the accused has committed an offence punishable u/S.7, 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. The petitioner was trapped and caught red handed and after completion of investigation the respondent filed final report and the petitioner was tried and convicted as stated above.

4. The learned counsel for the petitioner/accused would submit that after registration of the case, the petitioner/accused was arrested and remanded to judicial custody and later released on bail on furnishing sureties. Thereafter, the trial was conducted and that the petitioner has been convicted as stated above and the petitioner has paid the fine amount before the trial Court.

5. The learned counsel for the petitioner/accused would further submit that while the petitioner/accused 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/accused.

6. The learned Additional Public Prosecutor has raised objections for suspension of 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/accused 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 Court for the Prevention of Corruption Act Cases, Villupuram.

(ii) the petitioner/accused 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/-

26/04/2019

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 FOR THE
PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM

2 THE PUBLIC PROSECUTOR
(V&AC) HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
CUDDALORE

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.

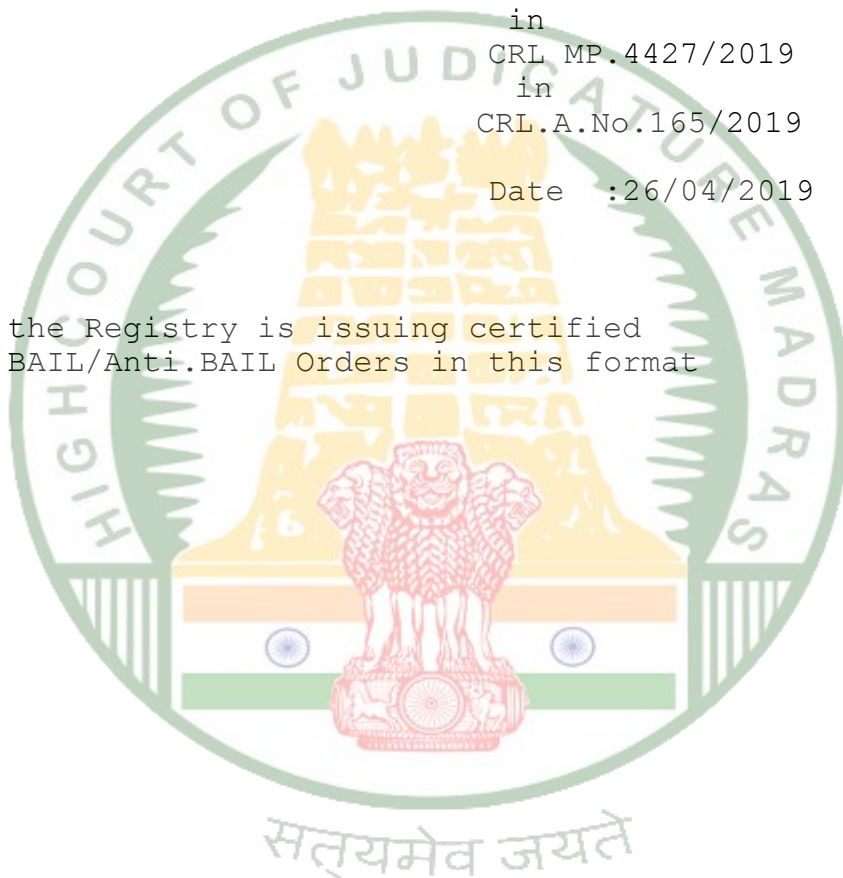
+1 C.C. to M/S.SURESH N. Advocate on payment of necessary
charges SR.NO.8510

Order

in
CRL MP.4427/2019
in
CRL.A.No.165/2019
Date :26/04/2019

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cm 26/04/2019



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