

Crl.MP.No.4776 of 2019
in
Crl. A.No.189 of 2019

A.D.JAGADISH CHANDIRA, J.,

The petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 21.03.2019 made in Special Case. No.27 of 2014 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act cases at Villupuram pending disposal of the appeal.

2. The petitioner/appellant herein is the accused in Special Case.No.27 of 2014 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act cases at Villupuram. He was found guilty of the offences u/s. 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of P.C Act 1988.	4 years R.I and fine of Rs.1,000/- in default to undergo S.I for 3 months.
2.	13(2) r/w 13(1)(d) of P.C Act.	5 years R.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 and also filed the petition for suspension of sentence.

3. The case of the prosecution is that the accused Haridoss was working as Village Administrative Officer at Navamlkapper Village. On 18.11.2011, the petitioner demanded Rs.1,400/- as bribe from the complainant for issuing birth certificate, the demand was subsequently reduced to Rs.1,100/-. The demand has been made towards illegal gratification other than legal remuneration from him as a motive or reward, thereby a trap was laid, pursuant to which the petitioner/appellant was arrested red handed while accepting the bribe of Rs.1,100/- on 21.11.2011 at his office. The petitioner after filing of final report was tried and convicted as stated above.

4. The learned counsel for the petitioner/appellant would submit that the petitioner/appellant has got arguable points available in the appeal and he would also submit that it is a clear case where the prosecution has suppressed about an earlier complaint and also suppressed the fact about the earlier trap proceedings and that the petitioner has got a fair chance of succeeding the appeal and would pray that the substantive sentence of imprisonment against the petitioner may be suspended. She would further submit that the trial Court has suspended the sentence for a period of one month and the

petitioner has paid the fine amount and would oppose uspension of sentence.

5. The learned Government Advocate (Crl. side) would submit that the trial court considering the evidence of the prosecution witnesses has rightly convicted the accused and would oppose the suspension of sentence.

6.. Taking into consideration the submissions made by the learned counsels on either side, this Court is of the opinion that the substantive sentence of imprisonment imposed on the petitioner by the trial Court alone be suspended till the disposal of the appeal and the petitioner/appellant is ordered to be enlarged on bail on his executing a bond for 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 at Villupuram and on further condition that the petitioner/appellant shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

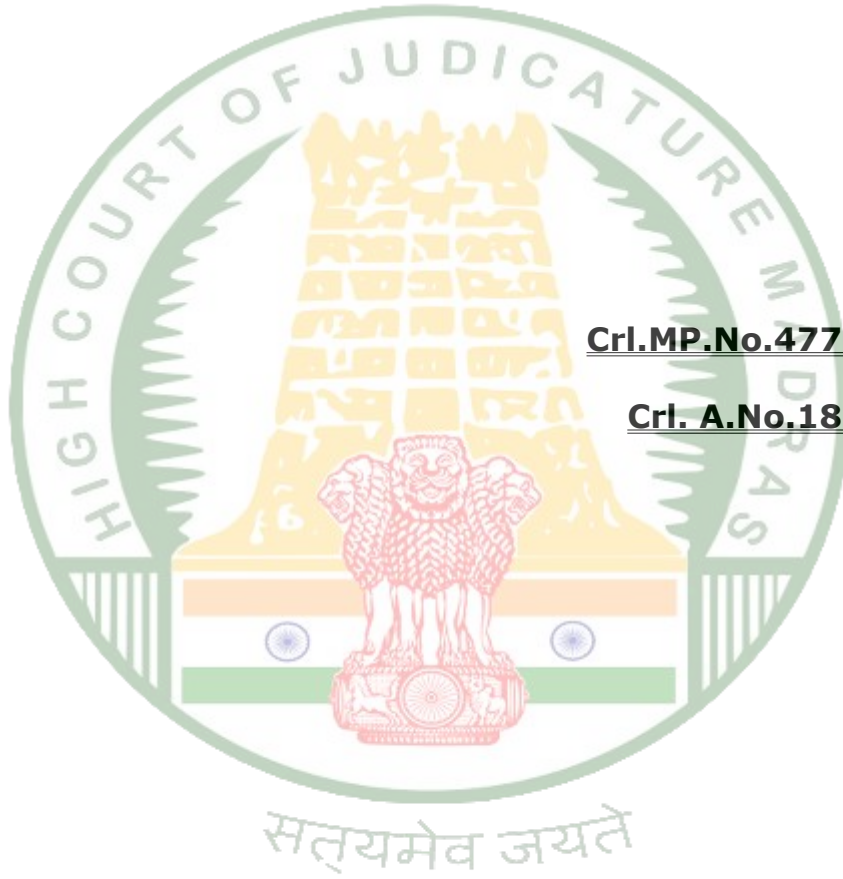
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