

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.4927 of 2019

in CRL.A.No.198 of 2019

O.SUBRAMANIAN

[PETITIONER / APPELLANT]

vs

THE STATE BY
THE INSEPCTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM,
CRIME NO.2 OF 2006.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.198 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned Special Court for Prevention of Corruption Act Cases, Villupuram in Spl Case No.04 of 2014 dated 03.04.2019 and enlarge the petitioner on bail pending disposal of main CRL.A.No.198 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.198 of 2019 on the file of the High Court and upon hearing the arguments of M/S.R.VIVEKANANTHAN, 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 03.04.2019, made in Spl.C.No.4 of 2014, on the file of the learned Special Court for the Prevention of Corruption Act Cases, Villupuram, pending disposal of the appeal.

2. The petitioner/accused herein is the accused in Special Case No.4 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, 1988.	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 28.08.2006 at 15.30 hrs at Kallakurichi Taluk Office, Kallakurichi, the accused demanded Rs.2,500/- in his office, from one Mr.Anwar Sheriff for himself as gratification other than legal remuneration, as a motive for doing his official act of pointing out field boundaries of general pathway for the purpose of his family members where the family members are residing and being enjoyed for 70 years. Pursuant to the aforesaid demand, on 29.08.2006, at 17.50 hrs at the Taluk Office Kallakurichi, the accused, in front of his office, reiterated the said demand of gratification other than legal remuneration from Mr.Anwar Sheriff and obtained the same from him and the accused being a public servant by corrupt and illegal means and abusing his official position obtained the above said sum of Rs.2,500/- as pecuniary advantage for himself from the said Anwar Sheriff in the circumstances stated above 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 the 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. The learned counsel for the petitioner/accused would further submit that the petitioner's wife has been admitted in the hospital

with Myocarditis with severe LV Systolic dysfunction and that the Cardiac MRI had confirmed the suspicious of viral myocarditis and her condition is critical and would further submit that there is nobody to take care of his wife and that the petitioner is in prison, and for that the reason, the petition has been moved prior to completion of four weeks from the date of issue of notice and he has also produced a Medical Certificate issued by the Madras Medical Mission. Therefore, he prays for grant of suspension of sentence to the petitioner/accused.

7. The learned Additional Public Prosecutor has raised objections for suspension of sentence.

8. Taking into consideration the submissions made by the learned counsels and also considering that there are arguable points available in the appeal and that his wife is critically ill, 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/-
30/04/2019
सत्यमेव जयते

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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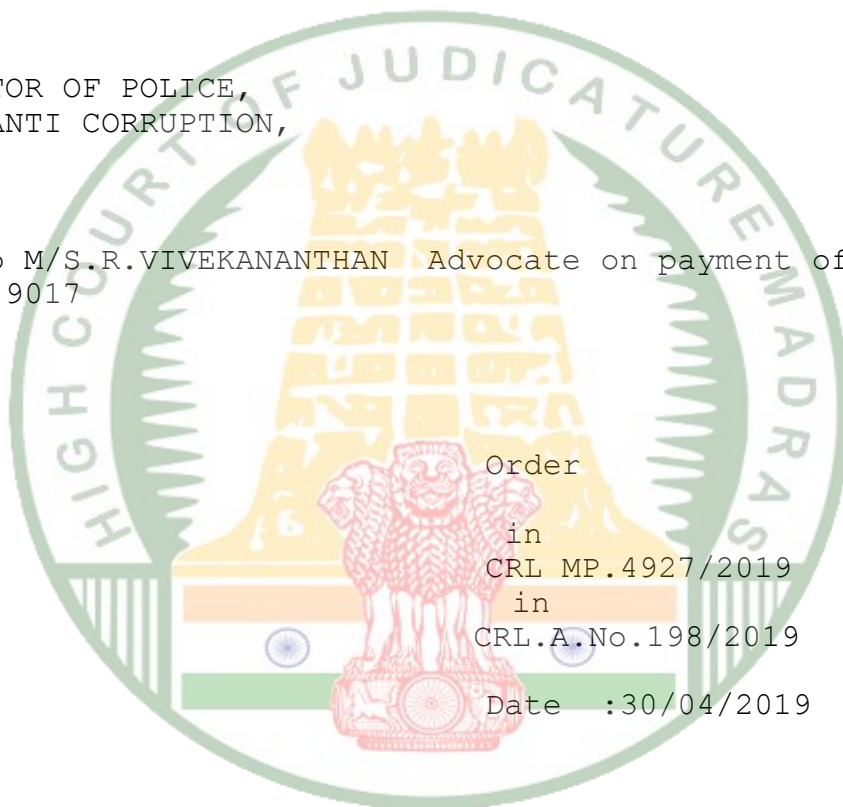
1 THE SPECIAL JUDGE FOR THE
PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
CUDDALORE

4 THE INSEPCTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM

+1 C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.NO.9017



Order

in

CRL MP.4927/2019

in

CRL.A.No.198/2019

Date :30/04/2019

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cm 30/04/2019

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