

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.5166 OF 2019
IN CRL.A.NO.210 OF 2019

R.RAMANI

[PETITIONER / APPELLANT]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIC-I, CHENNAI-600 028,
CR.NO.1/AC/2008.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.210 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence and conviction dated 27.03.2019 in Spl.Case No.4/2019 against the Petitioner/Appellant by the Special Judge, Chief Judicial Magistrate, Chengalpattu pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.210 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.K.BIJAI SUNDAR, Advocate for the petitioner and of M/S.S.THANKIRA, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the execution of the sentence and conviction dated 27.03.2019 made in Spl.C.C.No.4 of 2009 against the petitioner/accused on the file of the learned Special Judge-cum- Chief Judicial Magistrate at Chengalpet pending disposal of the appeal.

2. The petitioner herein is the accused in Special Case No.4 of 2009 on the file of the learned Special Judge-cum-Chief Judicial Magistrate at Chengalpet. He was found guilty of the offences u/s.7 and 13(1)(d) r/w 13(2) 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	2 years S.I and fine of Rs.4,000/- in default to undergo S.I for 6 months

S.No.	Conviction	Sentence
2.	Section 13(1) (d) r/w 13(2) of P.C Act, 1988	2 years S.I. and fine of Rs.4,000/- in default to undergo S.I for 6 months.

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

3. The case of the prosecution is that the petitioner/accused was working as Sub Registrar, Tambaram Sub Registrar of Office, Kanchipuram District and that he had demanded Rs.2,000/- as illegal gratification for Registration of document from PW2/Sriram and thereafter, on information given by the said P.W.2/Sriram to the respondent a trap was laid on 16.06.2008 and the petitioner/A-1 was caught red handed while accepting the bribe amount and thereby, the respondent filed the final report after investigation. The petitioner/accused was charged, tried and found guilty for the offences punishable under Sections 7 and 13(1) (d) r/w 13(2) of Prevention of Corruption Act, 1988 and sentenced to undergo imprisonment 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. He would further submit that on a petition being filed the trial Court had suspended the sentence till 24.04.2019 and that he has also paid the fine amount.

5. The learned counsel for the petitioner/accused would 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 Government Advocate (Crl.Side) would vehemently oppose stating that the petitioner/accused has sought for stay of suspension of sentence as well as conviction. She would further submit that it is a case where the petitioner/accused has been convicted for the offences u/s.7 and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988 and the Hon'ble Apex Court in number of decisions has stated that the conviction of the person for the offences under the said Act cannot be stayed.

7. At this Juncture, the learned counsel for the petitioner/accused would submit that he is not insisting the prayer for stay of conviction. However, he would only pray for suspension of substantive sentence of imprisonment alone.

8. 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-cum-Chief Judicial Magistrate at Chengalpet.

(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/-
11/04/2019

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 JUDGE-CUM-CHIEF JUDICIAL MAGISTRATE AT CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIC-I, CHENNAI-600 028.

+1C.C. to M/S.K.BIJAI SUNDAR Advocate on payment of necessary charges SR NO.7608

Order

in
CRL MP.5166/2019
in
CRL.A.210/2019

Date :11/04/2019

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MK:11/04/2019



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