

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.6259 of 2019

in CRL.A.No.250 of 2019

R.SEKAR

[PETITIONER / APPELLANT]

Vs

STATE OF TAMILNADU

[RESPONDENT]

REP. BY INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION
VILLUPURAM,
CRIME NO.2 OF 2011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.250 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned Special Judge Special Court for Prevention of Corruption Act cases Villupuram in Spl.Case No.11 of 2013 dated 26.04.2019 and enlarge the petitioner on bail pending the disposal of the above CRL.A.No.250 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.250 of 2019 on the file of the High Court and upon hearing the arguments of M/S.M.DEVARAJ, Advocate for the petitioner, and of MR.K.PRABAKAR Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petition has been filed by the petitioner/appellant, to suspend the sentence of imprisonment imposed in the judgment dated 26.04.2019 made in Special Case No.11/2013 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, pending disposal of the appeal.

2 The petitioner/appellant was found guilty of the offences u/s. 7, 13[2] read with 13[1][d] of the Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 7 of the Prevention of Corruption 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 the said 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.

3 The case of the prosecution is that the petitioner/appellant, by abusing his official power in the capacity of Surveyor, Nemili Firka, Vanur Taluk, Villupuram District, demanded and accepted illegal gratification from the complainant for measuring the land; transferring the name of patta and making entries in the village accounts in respect of the land in question and thereby, committed the said offences.

4 The learned counsel for the petitioner/appellant would 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 the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid.

5 The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6 Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone is suspended.

7 Hence, the sentences 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 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, Villupuram 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/-
06/06/2019

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

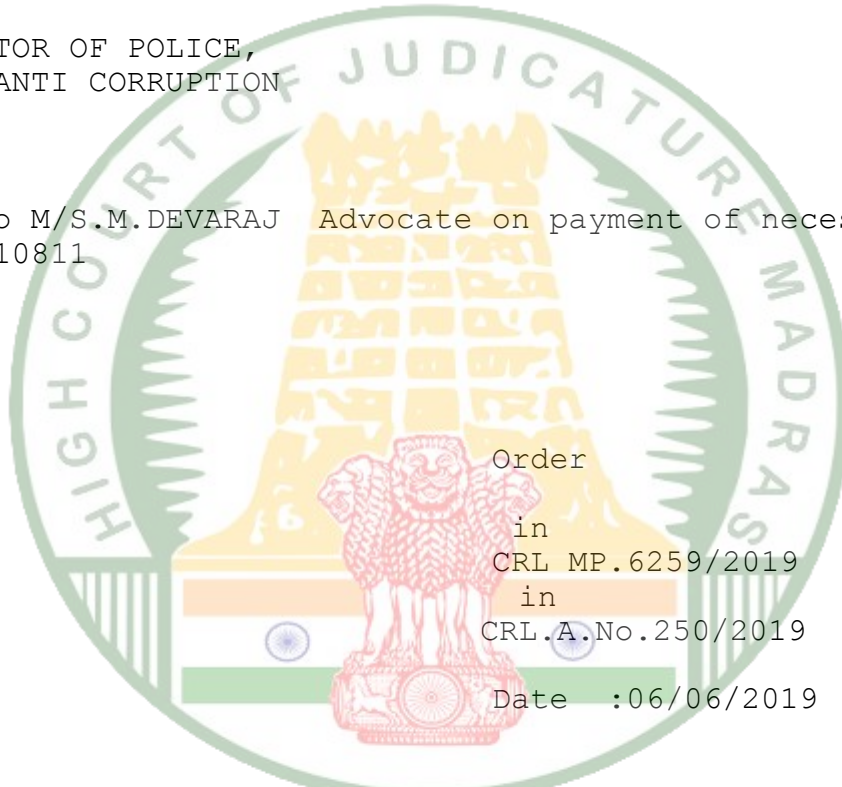
1 THE SPECIAL JUDGE
SPECIAL COURT FOR PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM

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.M.DEVARAJ Advocate on payment of necessary
charges SR.NO.10811



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cm 07/06/2019

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