

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6453 of 2019

IN CRL A.259/2019

S.NARAYANAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
V & AC VELLORE,
CR.NO.2/AC/2001/CL.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.259/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed u/s.420 of IPC imposing 2 years rigorous imprisonment in Special Case No.48 of 2014 dated 23.04.2019 on the file of the Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram and to enlarge him on bail on such terms and conditions as this Hon'ble Court

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.259/2019 on the file of the High Court and upon hearing the arguments of M/S.R.NATARAJAN, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This appeal has been filed against the judgment of conviction and sentence passed by the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, made in Spl. Case No.48 of 2014 dated 23.04.2019 for the offence punishable under Section 420 of IPC whereby imposing 2 years rigorous imprisonment and a fine amount of Rs.5,000/- in default, to undergo 3 months simple imprisonment. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2.The learned counsel for the petitioner submitted that the Court below did not have the jurisdiction to try the charge exclusively under Section 420 of IPC when the charge framed under the Prevention of Corruption Act, 1988, became extinct due to the demise of A2 and A3 even before the commencement of the trial. The learned counsel for the petitioner further submitted that there are absolutely no materials against the petitioner and in fact, the name

of the petitioner did not even find place in the FIR. Therefore, the Court below went wrong in convicting the petitioner for the offence under Section 420 of IPC. The learned counsel further submitted that the Trial Court has already passed an order under Section 389(3) suspending the sentence for a period of thirty days by an order dated 23.04.2019 and that the petitioner has already deposited the fine amount of Rs.5,000/- (Rupees Five Thousand only) before the Trial Court.

3.The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4.This Court carefully considered the submissions made on either side.

5.Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal and the appeal cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

6.The sentence imposed by the Court below vide Judgment made in Spl. Case No.48 of 2014, dated 23.04.2019, on the file of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, is hereby suspended, and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 shall appear before the said learned Special Judge every week on Monday at 10.30 a.m. until further orders.

-sd/-

08/05/2019

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
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
V & AC VELLORE.

+1C.C. to M/S.R.NATARAJAN Advocate on payment of necessary
charges SR NO.9265

Order

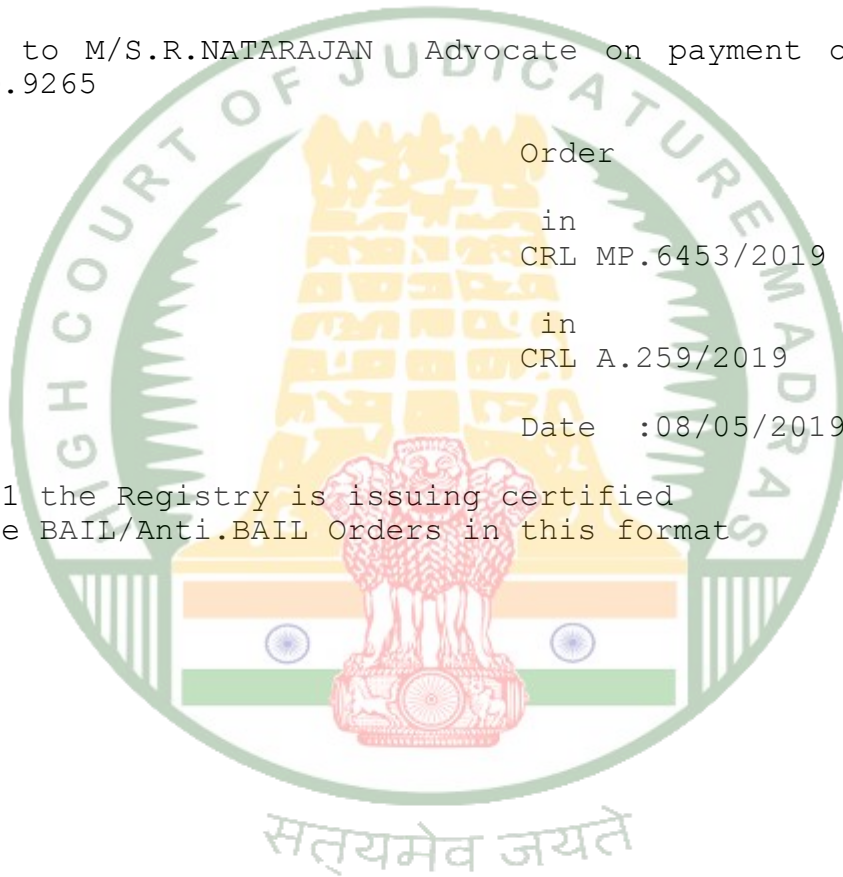
in
CRL MP.6453/2019

in
CRL A.259/2019

Date :08/05/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:09/05/2019



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