

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6556 of 2019

IN CRL A.270/2019

K.TAMILARASAN

[PETITIONER/APELLANT]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TRICHIRAPPALLI.
CR.NO.16/2009.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on him by the Learned Chief Judicial Magistrate, Perambalur, dated 11.04.2019 made in Special C.C.No.3 of 2011 and enlarge the petitioner on bail pending disposal of the Crl.A.No.270 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.B.KUMARASAMY, Advocate for the petitioner, and of MRS. M.PRABHAVATHI, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

This Appeal has been filed as against the Judgment dated 11.04.2019 in Spl.CC.No.3 of 2011, passed by the learned Chief Judicial Magistrate, Perambalur, convicting the petitioner for the offence under Section 7 and 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988. The petitioner was sentenced to undergo one year Rigorous Imprisonment along with a fine of Rs.1000/- in default to undergo one month simple imprisonment for the offence under Section 7 of Prevention of Corruption Act and was sentenced to undergo two years rigorous imprisonment along with a fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act. 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 there are material contradictions in the evidence adduced by the witnesses. The learned counsel further submitted that the sentence has been suspended by the trial Court till 10.05.2019, and that the petitioner has a fair chance of success in the appeal and that the petitioner has already deposited a fine amount before the Court below.

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. There are arguable points which requires a consideration in the appeal and the appeal cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

6. The sentence imposed by the Court below vide Judgment dated 11.04.2019 made in Spl.C.C.No.3 of 2011 on the file of the learned Chief Judicial Magistrate, Perambalur, 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 Chief Judicial Magistrate, Perambalur, and to appear before the respondent police every week on Monday at 10.30 a.m. until further orders.

-sd/-

09/05/2019

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

TRUE COPY

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TRICHIRAPPALLI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary charges SR.NO.9731

Order

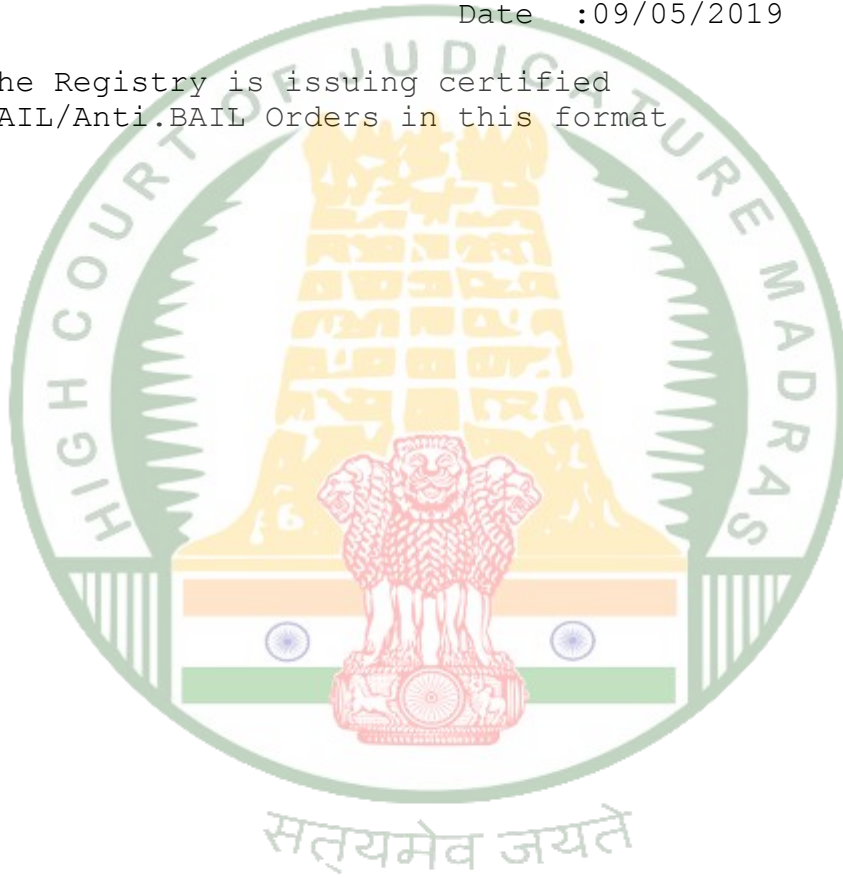
in
CRL MP.6556/2019

in
CRL A.270/2019

Date :09/05/2019

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