

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.6466 of 2019

IN CRL A.260/2019

R.PADMANABHAN

[PETITIONER]

vs

THE DEPUTY SUPERINTENDENT OF POLICE [RESPONDENT]
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.
CR.NO.9 OF 2011

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.260/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner by judgment dated 16.04.2019 and made in Spl. Case No.20 of 2014 on the file of the Special Court for Prevention of Corruption Act Cases, Villupuram and enlarge the petitioner on bail pending disposal of the above criminal appeal. [CRL.MP.NO.6466/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.260/2019 on the file of the High Court and upon hearing the arguments of M/S.L.MAHENDRAN, Advocate for the petitioner and of MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This appeal has been filed against the judgment of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, made in Spl.Case No.20 of 2014, dated 16.04.2019 for the offences under Section 7 of the Prevention of Corruption Act, 1988, convicting and sentencing the petitioner to undergo rigorous imprisonment for 6 years and a fine of Rs.1,000/- in default, to pay the fine, to undergo simple imprisonment for 3 months and for the offences under Section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988, sentencing him to undergo rigorous imprisonment for five years and pay a fine of Rs.5,000/- in default, to undergo simple imprisonment for 6 months and the sentences imposed shall run concurrently. 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 legal heirship certificate that was seized by the Investigation

Officer from the accused and was marked as Ex.P14 was given even prior to the alleged first demand that is said to have been made on 19.11.2011 and this clearly shows that there was no demand of money for the issuance of the legal heirship certificate. The learned counsel further submitted that the Investigating Officer has not conducted the preliminary enquiry before laying the trap proceedings as contemplated under the Vigilance Manual. The learned counsel further submitted that the prosecution has not established beyond reasonable doubt the demand of the bribe and therefore, the presumption under Section 20 of the Prevention of Corruption Act, 1988 cannot be invoked in the present case. The learned counsel further submitted that the petitioner has already deposited the fine amount of Rs.6,000/- (Rupees Six 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.20 of 2014, dated 16.04.2019, 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 SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
[V AND AC] HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.

+1 C.C. to M/S.L.MAHENDRAN Advocate on payment of necessary
charges SR.NO. 9419

Order

in
CRL MP.6466/2019

in
CRL A.260/2019

Date :08/05/2019

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RD 09/05/2019

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