

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.6675 of 2019

IN CRL.A.NO.279 OF 2019

SELVIAH VIJAYKUMAR

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE.
CR.NO.18/2010/AC/CB.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.279/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Spl.C.C.No.141 of 2011 dated 30.04.2019 on the file of the Special Judge (FAC), Special court for cases under Prevention of Corruption Act, Coimbatore for cases under Prevention of Corruption Act Coimbatore and pending disposal of the above criminal appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.279/2019 on the file of the High Court and upon hearing the arguments of M/S.M.L.RAMESH Advocate for the petitioner and of MR.C.RAGHAVAN Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

This appeal has been filed by the accused against the conviction and sentence awarded by the learned Special Judge (FAC) Special Court for case under Prevention of Corruption Act, Coimbatore in Spl.C.C.No.141 of 2011 dated 30.04.2019, wherein, the appellant was convicted under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for a period of two years and pay a fine of Rs.25,000/- in default to undergo Simple Imprisonment for a period of four months and under Section 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for a period of two years and pay a fine of Rs.25,000/- in default to undergo Simple Imprisonment for a period of four months and also ordered the sentences to run concurrently.

2. The learned counsel for the appellant has submitted that there are material contradictions in the evidence of the prosecution witnesses and without considering the same in a proper perspective, the trial court has convicted the appellant. He further submitted that the appellant is having arguable points in the appeal. He further submitted that the petition was on bail throughout the trial and he also paid the fine amount and hence he prayed to suspend the sentence.

3. The learned Government Advocate (Crl.Side) opposed this petition.

4. Taking into consideration of the facts and circumstances of the case and submissions made on either side, this Court is inclined to admit the appeal, suspend the sentence imposed on the appellant/accused and grant bail to him.

5. Accordingly, the sentence is suspended and the appellant is directed to surrender before the trial court within fifteen days from the date of receipt of a copy of this order and on such surrender he shall be released on bail on him executing 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 (FAC) Special Court for cases Under Prevention of Corruption Act, Coimbatore and on further condition that he shall appear before the same court of the first working day of every month until disposal of Crl.A.No.279 of 2019.

-sd/-

23/05/2019

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[FTC]
SPECIAL COURT FOR CASES UNDER PREVENTION OF
CORRUPTION ACT,
COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
COIMBATORE.

<https://hcservices.ecourts.gov.in/hcservices/>

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+1 C.C. to M/S.M.L.RAMESH Advocate on payment of necessary charges SR.NO. 10310

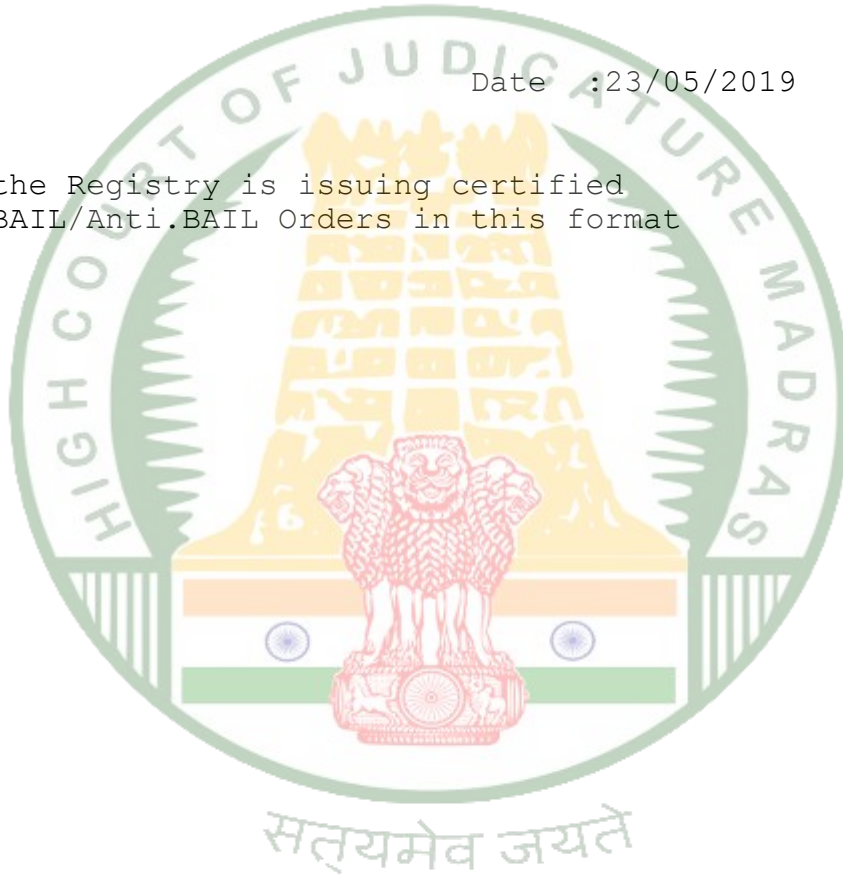
Order

in
CRL MP.6675/2019

IN CRL.A.NO.279 OF 2019

Date :23/05/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 27/05/2019



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