

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the First day of August Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.10545 of 2019

IN CRL.A.NO.482 OF 2019

R.SAKTHIVEL

[PETITIONER / APPELLANT / ACCUSED]

Vs

THE STATE

[RESPONDENT]

REPRESENTED BY INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
THIRUVANNAMALAI DETACHEMENT,
THIRUVANNAMALAI DISTRICT.
CR.NO.3/2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.482 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in the order passed in Special case No.2 of 2017 on the file dated 18.07.2019 by the Hon'ble Chief Judicial Magistrate and Special Court for Prevention of Corruption Act cases, Thiruvannamalai and enlarge this petitioner on bail pending disposal of the above CRL.A.NO.482 OF 2019 [IN CRL.MP.NO.10545 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.482 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.V.ARUNAGIRI, 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 on him vide judgment dated 18.07.2019 made in Special Case No.2/2017 by the learned Chief Judicial Magistrate and Special Court for Prevention of Corruption Act Cases, Thiruvannamalai, pending disposal of the appeal.

2. The petitioner was found guilty of the offence punishable under Sections 7, 12, 13(2) r/w 13[1][d] of the Prevention of the Corruption Act, 1988 and sentenced as under:

S.No.	Conviction	Sentence
1.	Sec.7 of the Prevention of the Corruption Act, 1988	3 years S.I and fine of Rs.5,000/- with a default sentence of 3 months simple imprisonment.
2.	Secs.13(2) r/w 13 (1) (d) of Prevention of the Corruption Act, 1988	3 years S.I and fine of Rs.5,000/- with a default sentence of 3 months simple imprisonment.

Aggrieved against the same, the petitioner/appellant has preferred the appeal.

3. The case of the prosecution is that the petitioner/accused is alleged to have demanded money from the defacto-complainant for issuance of separate patta in his favour and committed the above said offences.

4. The learned counsel for the petitioner/appellant/accused would submit that the trial Court has suspended the sentence of the petitioner till 16.08.2019. The learned counsel for the petitioners/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 and the trial Court has also suspended the sentence of imprisonment till 16.08.2019.

5. The learned Special Public Prosecutor [CBI] has raised objections to suspend the sentences.

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

7. Hence, the sentences of imprisonment imposed on the petitioner/appellant by the Trial Court alone are hereby suspended till the disposal of the appeal and the petitioner/appellant 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 Chief Judicial Magistrate and Special Court for Prevention of Corruption Act Cases, Thiruvannamalai and on further condition that the petitioners/appellant shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders, pending appeal.

-sd/-
01/08/2019

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 CHIEF JUDICIAL MAGISTRATE
AND SPECIAL COURT FOR PREVENTION OF
CORRUPTION ACT CASES-THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
THIRUVANNAMALAI DETACHEMENT,
THIRUVANNAMALAI DISTRICT.

+1C.C. to M/S.V.ARUNAGIRI Advocate on payment of necessary charges SR NO.16001

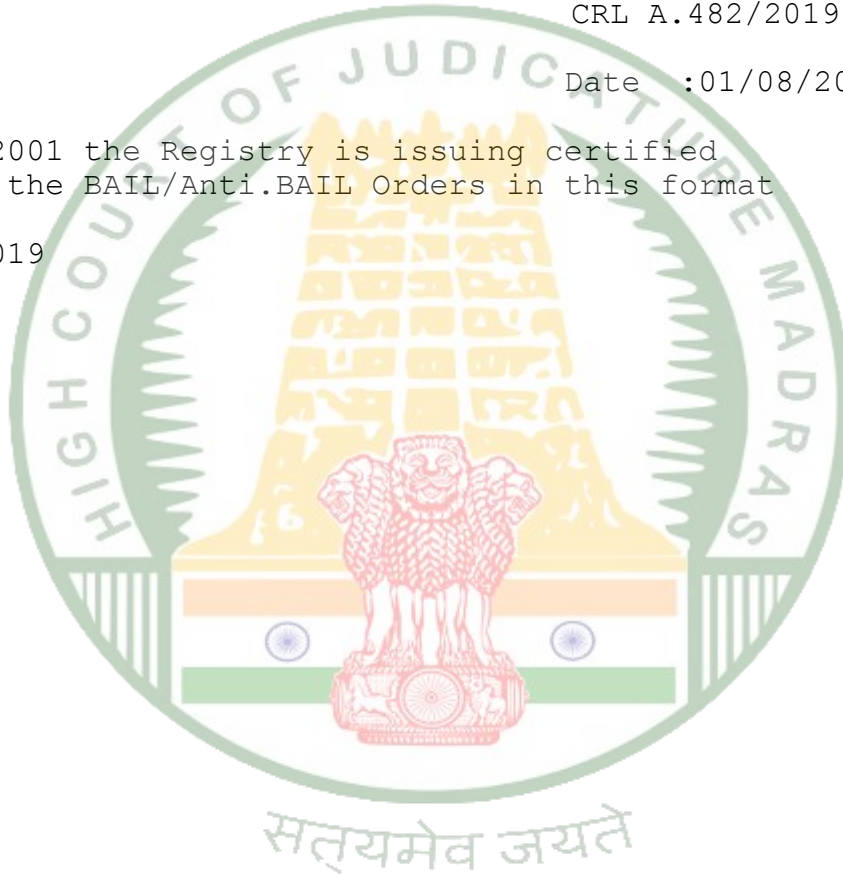
Order

in
CRL MP.10545/2019
in
CRL A.482/2019

Date :01/08/2019

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MK:05/08/2019



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