

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of August Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11106 of 2019

IN CRL.A.NO.501 OF 2019

S.SENGODAN

[PETITIONER]

vs

THE STATE REP. BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI
CORRUPTION, SALEM,
(CR.NO.08/AC/2006).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.501/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Special Judge (Special Court for Trial of Cases under the Prevention of Corruption Act) Salem, in Spl.C.C.No.64/2014 by judgment dated 12/7/2019, pending disposal of the above Criminal Appeal.[CRL.MP.NO.11106/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.501/2019 on the file of the High Court and upon hearing the arguments of M/S. PANCHATSARAM T. 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 in the judgment dated 12.07.2019 made in Special Calendar Case No.64/2014 on the file of the learned Special Judge [Special Court for Trial of Cases under the Prevention of Corruption Act), Salem, pending disposal of the appeal.

2.The petitioner/appellant was found guilty of the offences under Section 7 and 13(2) r/w 13(1) of the Prevention of the Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction u/s.	Sentence
1.	7 of the Prevention of Corruption Act, 1988	1 years R.I and fine of Rs.5,000/- with a default sentence of 6 months simple imprisonment.

S.No.	Conviction u/s.	Sentence
2.	13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988	2 years R.I and fine of Rs.10,000/- with a default sentence of 6 months simple imprisonment.

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

3. The case of the prosecution is that the petitioner/appellant on 19.08.2006 at about 15.45 hours by abusing his official position obtained illegal gratification of Rs.500/- from the de-facto complainant for the purpose of issuing death certificate.

4. The learned counsel for the petitioner/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 had suspended the sentence till 13.08.2019.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Taking into consideration the submissions made by the learned counsels, 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 Special Judge [Special Court for Trial of Cases under the Prevention of Corruption Act], Salem and on further condition that the petitioner/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/-
08/08/2019

WEB COPY

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 TRIAL OF CASES UNDER THE
PREVENTION OF CORRUPTION ACT.SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI
CORRUPTION, SALEM,

+1 C.C. to M/S. PANCHATSARAM T. Advocate on payment of necessary
charges SR.NO. 16563

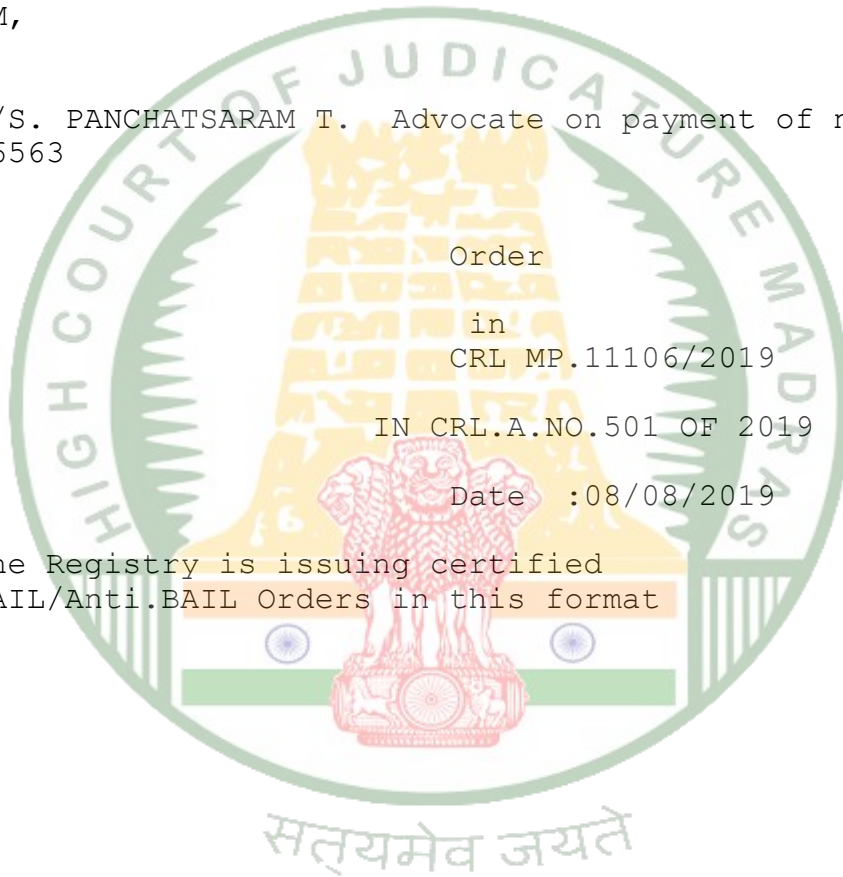
Order

in
CRL MP.11106/2019

IN CRL.A.NO.501 OF 2019

Date :08/08/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 08/08/2019



WEB COPY