

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of August Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11653 of 2019

IN CRL A.530/2019

N.NANJAPPAN

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION SALEM,
SALEM DISTRICT.(CRIME NO.14/2008)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.530 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners by Judgment dated 26.07.2019 in Special CC.No.56 of 2014 on the file of Special Judge, (Special court for trial of cases under the prevention of Corruption Act) Salem and enlarge the petitioner on bail till the disposal of the above Crl.A.No.530/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.530/2019 on the file of the High Court and upon hearing the arguments of MR.DORAISAMY, SENIOR COUNSEL FOR M/S.A.MUTHUMANI DORAISAMI, 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 26.07.2019 made in Special Calendar Case No.56/2014 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 u/s. 7 and 13 (2) r/w 13(1) (d) of the Prevention of Corruption Act 1988 on the file of the learned Special Judge, (Special Court for trial of cases under the Prevention of Corruption Act 1988) Salem, and he has been convicted and sentenced as under:

S.N O.	Conviction	Sentence
1.	U/s.7 of Prevention of Corruption Act,1988	1 year R.I and fine of Rs.5,000/- in default to undergo S.I for 3 months.
2.	U/s 13 (2) r/w 13(1) (d) of the Prevention of Corruption Act 1988	2 years R.I and fine of Rs.10,000/- in default to undergo S.I for 6 months.

The sentences are ordered to run concurrently. Aggrieved against the same, the petitioner has preferred this appeal. Pending appeal, the petitioner has filed the present miscellaneous petition seeking suspension of sentence.

3 The case of the prosecution is that the petitioner/appellant/accused has demanded and accepted illegal gratification from the defacto complainant by abusing his official powers for transfer of patta in the name of the complainant. The petitioner/appellant/accused had demanded a sum of Rs.3500/- from the defacto complainant which was reduced to Rs.2500/- and he received a sum of Rs.2000/- and also told the defacto complainant that the balance of Rs.500/- is to be paid after the patta has been transferred in his name and thereby, committed the said offences.

4 The learned counsel for the Petitioner/Appellant/accused 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 26.08.2019.

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 sentence of imprisonment alone is suspended.

7 Hence, the substantive 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 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.

-sd/-

21/08/2019

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 SPECIAL JUDGE,
(SPECIAL COURT FOR TRIAL OF CASES UNDER THE
PREVENTION OF CORRUPTION ACT) SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.A.MUTHUMANI DORAISAMI Advocate on payment of
necessary charges SR.17353

Order

in
CRL MP.11653/2019

in
CRL A.530/2019

Date :21/08/2019

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RVR 22/08/2019