

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of August Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12217 of 2019

IN CRL.A.NO.552 OF 2019

S.P.VASU

[PETITIONER]

Vs

THE STATE REPTD. BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VILLUPURAM DISTRICT,
CRIME NO.5 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.552/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned Special Judge, Special Court for Prevention of Corruption Act cases at Villupuram in Special Case No.5 of 2015 dated 13.08.2019 pending disposal of the above said appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.552/2019 on the file of the High Court and upon hearing the arguments of M/S. S.SARAVANAKUMAR, Advocate for the petitioner and of MR.K.PRABAKAR ADDITIONAL PUBLIC PROSECUTOR, (DATED 28/08/2019) AND OF M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR (DATED 09/09/2019) on behalf of the Respondent the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the Appellant/Accused, to suspend the sentence of imprisonment imposed in the judgment dated 13.08.2019 made in Special Case No.05/2015, on the file of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, pending disposal of the appeal.

2 The Appellant/Accused was found guilty of the offences u/s. 7, 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.N o.	Conviction	Sentence
1.	U/s.7 of the Prevention of Corruption Act, 1988.	3 years R.I and fine of Rs.1,000/- 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.	3 years R.I and fine of Rs.5,000/- in default to undergo S.I for 6 months for each of the substantive offences.

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 Appellant/Accused, by abusing his official power as Sub Inspector of Survey, Vanur Taluk, had demanded and accepted a sum of Rs.10,000/- (Rupees Ten Thousand Only) as initial payment of bribe, other than legal remuneration, for transfer of Patta in favour of the sister-in-law of the de-facto complainant, during the year 2013 and thereby, committed the above said offences and the petitioner was tried and convicted as stated above.

4 The learned counsel for the Appellant/Accused would submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding in the appeal. He would submit that the petitioner is aged about 62 years and suffering from various ailments. He would further submit that the petitioner was on bail during trial and after conviction, the Trial Court had temporarily suspended the sentence till 09.09.2019 and would submit that he has not misused the granted liberty and would pray that the substantive sentence imposed against the petitioner may be suspended and would also submit that the fine amount has been paid.

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 sentences of imprisonment imposed on the Appellant/Accused by the trial Court alone is hereby suspended till the disposal of the appeal and the Appellant/Accused 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 OF PREVENTION OF CORRUPTION ACT, VILLUPURAM** and on further condition that the Appellant/Accused 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/-

28/08/2019

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.

(*) AMENDED AS ORDER OF THE COURT DATED 09/09/2019 MADE IN CRL.MP.NO.12856 OF 2019 BY The Hon`ble Mr Justice M.NIRMAL KUMAR TO

- 1 THE SPECIAL JUDGE
SPECIAL COURT FOR PREVENTION OF CORRUPTION
ACT CASES, VILLUPURAM
- 2 THE JUDICIAL MAGISTRATE, VALAVANUR, VILLUPURAM
- 3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]
- 4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VILLUPURAM DISTRICT,
- 5 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE
- 6 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

+1 C.C. to M/S. S.SARAVANAKUMAR Advocate on payment of necessary charges SR.NO. 18802

Order
in
CRL MP.12217/2019

IN CRL.A.NO.552 OF 2019

Date :28/08/2019

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

RD 29/08/2019
RVR 09/09/2019

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