

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Fourteenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.14430 of 2019

IN CRL A.683/2019

A.SAHADDEVAN

[ PETITIONER / ACCUSED ]

Vs

STATE REPRESENTED BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,

V AND A.C. VILLUPURAM.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.683/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the petitioner/ appellant in special case no. 61/2014 on the file of the learned Special Judge for prevention of corruption Act Cases, Villupuram dated 26/09/2019 and enlarge the Petitioner/Appellant/Accused on bail, pending disposal of the above CRL A.683/2019 [IN CRL.MP.NO.14430 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.683/2019 on the file of the High Court and upon hearing the arguments of M/S.V.KRISHNAMOORTHY, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner/accused filed the above Crl.A.No.683 of 2019 against the Judgment of conviction and sentence passed by the learned Special Judge for Prevention of Corruption Act Cases, Villupuram, dated 26.09.2019 in Spl.C.No.61 of 2014. The conviction and sentence imposed on the petitioner is tabulated below;

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|                                                                                         |                                                                                                                                             |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| For the offence under section 7 of Prevention of Corruption Act, 1988                   | To undergo rigorous imprisonment for three years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for 3 months    |
| For the offence under section 13(2) r/w.13(1) (d) of Prevention of Corruption Act, 1988 | To undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months |

Both the sentences are ordered to run concurrently. The fine amount has already been paid.

2. Pending appeal, the petitioner has filed the present CrI.M.P.No.14430 of 2019 seeking suspension of sentence imposed on him by the trial court, pending disposal of the appeal.

3. The case of the prosecution against the petitioner is that the petitioner is working as Assistant at Sub Registrar Office at Ulundurpet. It is alleged that on 29.5.2013, the petitioner is alleged to have obtained Rs.2000/- as illegal gratification other than legal remuneration from the defacto complainant to process the application for encumbrance certificate. Thus he was charged for the offences punishable under section 7 and 13(2) r/w.13(1) (d) of the Prevention of Corruption Act , 1988.

4. Learned counsel for the petitioner would submit that the prosecution case is that the initial demand was on 27.5.2013, on which date, the petitioner was on leave and there could not have been any demand as put forth by the prosecution. It is further submitted that the sanction accorded by PW1 through Ex.P.1 is not valid sanction and PW1 is not a competent person to accord sanction.

5. He would further submit that the petitioner had also marked Ex.D1 and D2 through PW4 to show that the petitioner was on leave on the date of demand and the trial court had not adverted to Exs.D.1 and D2. It is further submitted that PW3, the accompanying witness had not corroborated the version of PW2 in any material.

6. It is his further submission that the petitioner was enlarged on bail by the trial court during investigation and also during trial. The sentence of this petitioner had been suspended by the trial court till 16.10.2019. He further submitted that the petitioner has arguable points in this appeal and is having a fair chance of success . Thus he prayed for suspension of sentence imposed on the petitioner.

6. Learned Govt. Advocate (crl.side) would submit that in this case, PW1 to 7 has been examined and Ex.P.1 to 21 were marked. Further all the witnesses have supported the case of the prosecution and on analysing the evidence, the trial court had rightly convicted the accused. She would further submit that the trial court had suspended the sentence till 16.10.2019.

7. Considering the facts and circumstances of the case and the gravity of the offence and also taking note of the fact that the petitioner has arguable points in this appeal, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees twenty five thousand only) with two sureties each for like sum to the satisfaction of the learned Special Judge/Special Court for Prevention of Corruption Act Cases, Villupuram.

8. Further the petitioner is directed to appear before the trial Court on first working day of every month at 10.30 a.m. until further orders.

-sd/-  
14/10/2019

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 FOR  
PREVENTION OF CORRUPTION ACT CASES,  
VILLUPURAM.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
V AND A.C. VILLUPURAM.

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+1C.C. to M/S.V.KRISHNAMOORTHY Advocate on payment of  
necessary charges SR NO.21017

Order

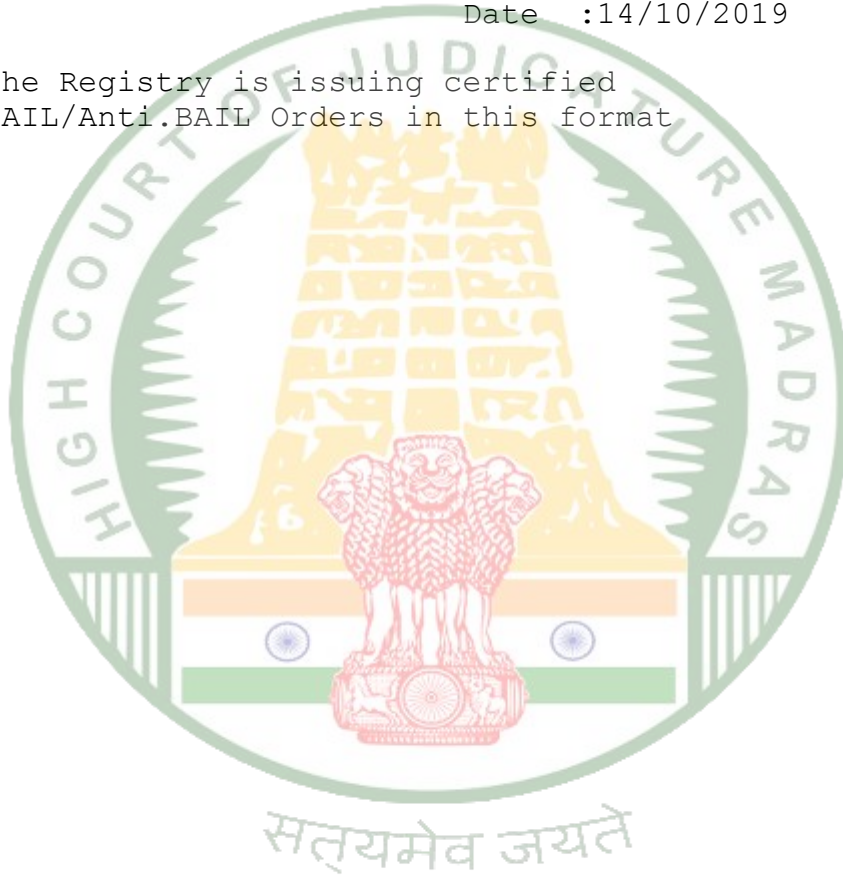
in  
CRL MP.14430/2019

in  
CRL A.683/2019

Date :14/10/2019

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

MK:15/10/2019



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