

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION NO.19246 OF 2019

IN CRL.A.NO.922 OF 2019

A.SAKTHIVEL

[PETITIONER / APPELLANT]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM

CR.NO.04/AC/2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.922 OF 2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail in connection with judgement dated 15.11.2019 passed in Spl.C.C.No.113 of 2014 on the file of the Special Judge (Special Court for trial of cases under the Prevention of Corruption Act), Salem pending disposal of the above CRL.A.NO.922 OF 2019 [IN CRL.MP.NO.19246 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.922 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. R.EZHILARASAN, Advocate for the petitioner and of MR.T.SHUNMUGARAJESWARAN Govt. Advocate O/O.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offence under Section 7 and 13 (2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo one year R.I. and fine of Rs.5000/- i/d 3 months S.I. for the offence under Section 7 of Prevention of Corruption Act, 1988 and two years R.I and fine of Rs.10,000/- i/d 6 months S.I for the offence under Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 by the learned Special Judge (Special Court for Trial of Cases under the Prevention of Corruption Act) Salem under judgment dated 15.11.2019 in Spl.C.C.No.113 of 2014. Sentences are ordered to run concurrently. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner submits that there are several infirmities and inconsistencies found in the prosecution case. It is also contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Government Advocate on the submissions made by learned counsel for the petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Judge (Special Court for Trial of Cases under the Prevention of Corruption Act), Salem and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
30/12/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

WEB COPY

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.

+1C.C. to M/S. R.EZHILARASAN Advocate on payment of necessary
charges SR NO.26709

Order

in

CRL MP NO.19246/2019

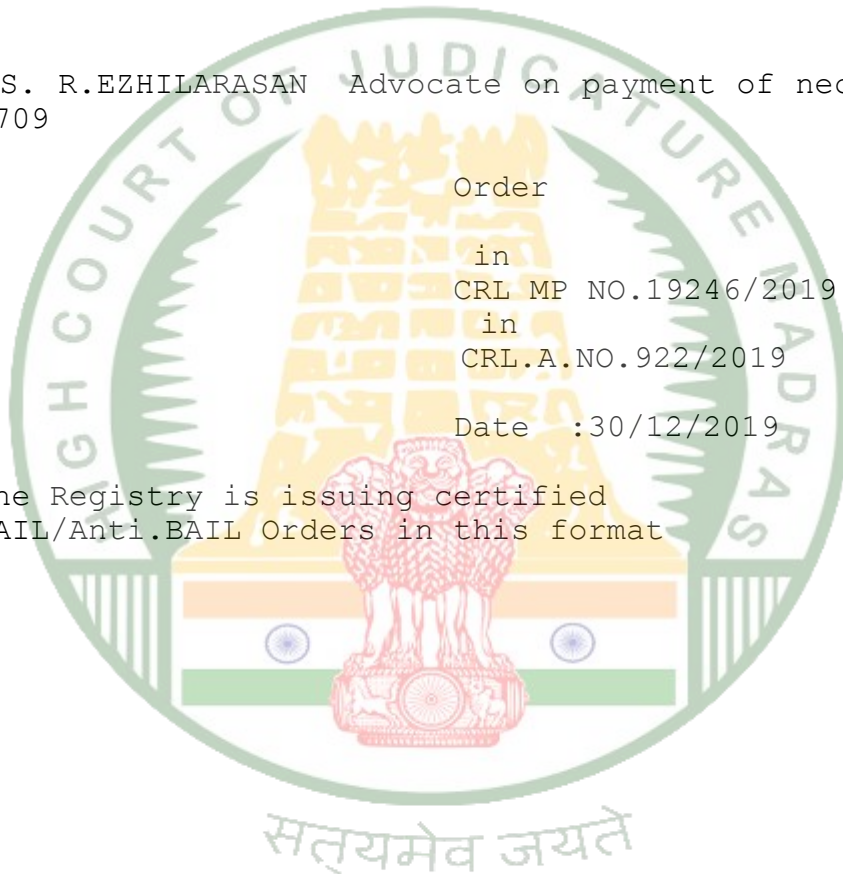
in

CRL.A.NO.922/2019

Date :30/12/2019

From 7.2.2001 the Registry is issuing certified
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MK:03/01/2020



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