

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.19248 of 2019

IN CRL.A.NO.924 OF 2019

T.SUNDARESAN

[PETITIONER]

Vs

STATE REP BY

[RESPONDENT]

VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM DISTRICT.

CR.NO.3/2007.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.924/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant by the judgment dated 19.12.2019 made in Special Case No.1/2015 passed by the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram till the disposal of the criminal appeal. [CRL.MP.NO.19248/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.924/2019 on the file of the High Court and upon hearing the arguments of M/S.A.AMARNATH Advocate for the petitioner and of MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offence under Section 12 of Prevention of Corruption Act, 1988 and sentenced to undergo three years R.I. and fine of Rs.3000/- i/d 3 months S.I. for offence under Section 12 of Prevention of Corruption Act, 1988 by the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram under judgment dated 19.12.2019 in Special Case No. 1 of 2015. Sentences are directed to be 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.

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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.

5. 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 learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
SPECIAL COURT FOR PREVENTION OF CORRUPTION
ACT CASES, VILLUPURAM

2 THE PUBLIC PROSECUTOR
[V AND AC] HIGH COURT, MADRAS.

3 THE VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM DISTRICT.

+1 C.C. to M/S.A.AMARNATH Advocate on payment of necessary charges SR.NO. 26615

WEB COPY

Order

in

CRL MP.19248/2019

IN CRL.A.NO.924 OF 2019

Date :30/12/2019

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