

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.19260 of 2019

IN CRL.A.No.925 of 2019

S.JOSHUA CHELLAPPA

[APPELLANT/ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION CHENNAI,
CITY SPECIALLY UNIT II,
CHENNAI.
CC NO.2/2012.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence in C.C.No.2/2012 passed by the Learned Special Judge for the cases under Prevention of Corruption Act at Chennai, pending disposal of the above Crl.A.No.925/2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.G.MURUGESHKUMAR, Advocate for the petitioner, and of M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

Petitioner was convicted for offence under Section 13(2) r/w. 13 (1)(e) of Prevention of Corruption Act, 1988 and sentenced to undergo three years R.I. and fine of Rs.5000/- i/d 3 months S.I. by the learned Special Judge for the Cases under Prevention of Corruption Act at Chennai under judgment dated 19.12.2019 in C.C.No.2 of 2012. 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.

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 for the Cases under Prevention of Corruption Act at Chennai 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 INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION CHENNAI,
CITY SPECIALLY UNIT II,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SPECIAL JUDGE FOR THE CASES UNDER
PREVENTION OF CORRUPTION ACT AT CHENNAI.

+1 C.C. to M/S.G.MURUGESHKUMAR Advocate on payment of necessary
charges SR.NO.26620

Order

in
CRL MP.19260/2019
in
CRL.A.No.925/2019

Date :30/12/2019

From 7.2.2001 the Registry is issuing certified
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