



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twelfth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.771 of 2020

IN CRL A.38/2020

G.JAYAKUMAR

[PETITIONER]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
COIMBATORE.
CR.NO.8/2009/AC/CB.

[RESPONDENT]

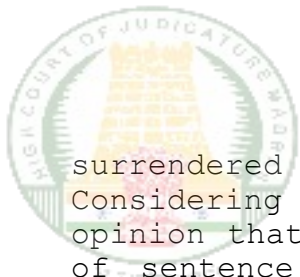
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.38/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the learned Special Judge Special Court for trial of Prevention of Corruption Act, coimbatore by Judgment dated 31.12.2019 made in Special C.C.No.36 of 2011 and enlarge the petitioner on bail pending disposal of the criminal Appeal. [CRL.MP.NO.771/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Appeal No.38/2020 on the file of the High Court and upon hearing the arguments of M/S.B.KUMARASAMY, Advocate for the petitioner and of MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR [V and AC] on behalf of the Respondent the court made the following order:-

Petitioner/A2 was convicted for offences under Section 7 of the Prevention of Corruption Act, 1988 and sentenced him to undergo two years rigorous imprisonment with fine of Rs.5,000/- in default, to undergo simple imprisonment for a period of three months and further he was convicted for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 r/w 109 of IPC and sentenced to undergo two years rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of three months. Total Fine imposed is Rs.10,000/- by the learned Special Judge for trial of Prevention of Corruption Act, Coimbatore in Special C.C.No.36 of 2011 on 31.12.2019.

2.Heard Both Sides.

3.The learned counsel appearing for the petitioner would submit that immediately after the sentence of conviction, the petitioner had



surrendered before the Trial Court and he is in prison till now. Considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence. He would further submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

4. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the appellant is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant 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 trial of Prevention of Corruption Act, Coimbatore and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

-sd/-

12/02/2020

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 TRIAL OF PREVENTION OF CORRUPTION
ACT, COIMBATORE

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

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
COIMBATORE.



C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary charges

WEB COPY

Order

in
CRL MP.771/2020

in
CRL A.38/2020

Date :12/02/2020

From 7.2.2001 the Registry is issuing certified
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RD 12/02/2020