

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.963 of 2020

IN CRL.A.NO.53 OF 2020

R.SAKTHIVEL

[PETITIONER]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VILLUPURAM DISTRICT,
CR.NO.12/2010.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.53/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in the order passed in Special Case No.34 of 2014 by the Honourable Special Court for Prevention of Corruption Act Cases - Villupuram, dated 22.01.2020 and enlarge this petitioner on bail pending disposal of the above Crl.Appel.[crl.MP.NO.963/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.53/2020 on the file of the High Court and upon hearing the arguments of M/S. V.ARUNAGIRI Advocate for the petitioner and of MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Appellant was convicted for the offences under Sections 7 and 13 (2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for six months for the offence under Section 7 of Prevention of Corruption Act, 1988; undergo four years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for six months for the offence under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988, by the learned Special Court for Prevention of Corruption Act cases, under judgment in S.C.No.34 of 2014 dated 22.01.2020. Hence, the appellant seeks suspension of sentence.

2.The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the appellant is now confined in Central Prison, Cuddalore.

3. Heard the submissions of the learned Additional Public Prosecutor.

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 Court for Prevention of Corruption Act Cases, Villupuram 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/-

05/02/2020

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 COURT FOR
PREVENTION OF CORRUPTION ACT CASES, VILLUPURAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VILLUPURAM DISTRICT,

+1 C.C. to M/S. V. ARUNAGIRI Advocate on payment of necessary
charges SR.NO. 2215

Order

in
CRL MP.963/2020

IN CRL.A.NO.53 OF 2020

Date : 05/02/2020

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copies of the BAIL/Anti.BAIL Orders in this format

RD 06/02/2020

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