

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.1349 of 2020

IN CRL A.67/2020

D.AROKIYASAMY

[APPELLANT / PETITIONER]

Vs

STATE REPRESENTED BY

[RESPONDENT / RESPONDENT]

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.

SPL.C.NO.2/20011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.67/2020 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail in connection with Judgement dated 24.01.2020 passed in Special Case No.32 of 2014 on the file of the Special Court for Prevention of Corruption Act cases, Villupuram, pending disposal of the above Crl.A.No.67/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.67/2020 on the file of the High Court and upon hearing the arguments of M/S. R.POORNIMA, Advocate for the petitioner and of MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1. In and by the impugned judgement, the petitioner/Appellant was convicted for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and was sentenced to undergo Rigorous Imprisonment for four years and to pay a fine of Rs.5000/- in default to undergo 6 months simple imprisonment for the offences under Sections 7 of Prevention of Corruption Act 1988 and to undergo Rigorous Imprisonment for Four years and to pay a fine of Rs.5,000/- in default three months simple imprisonment for the offence under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988. 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 petitioner/Appellant surrendered on 24.01.2020 before the Trial Court and he is now confined in Central Prison, Cuddalore and the fine amount was also paid.
- 3.This Court heard the learned counsel on either side and also perused the materials placed on record.
- 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, 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 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 am. On the first working day of every English Calender month, pending appeal.

-sd/-

03/02/2020

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

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सत्यमेव जयते
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 JAIL, CUDDALORE.

WEB COPY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
VILLUPURAM.

+1 C.C. to M/S. R.POORNIMA Advocate on payment of necessary
charges SR.No.2002

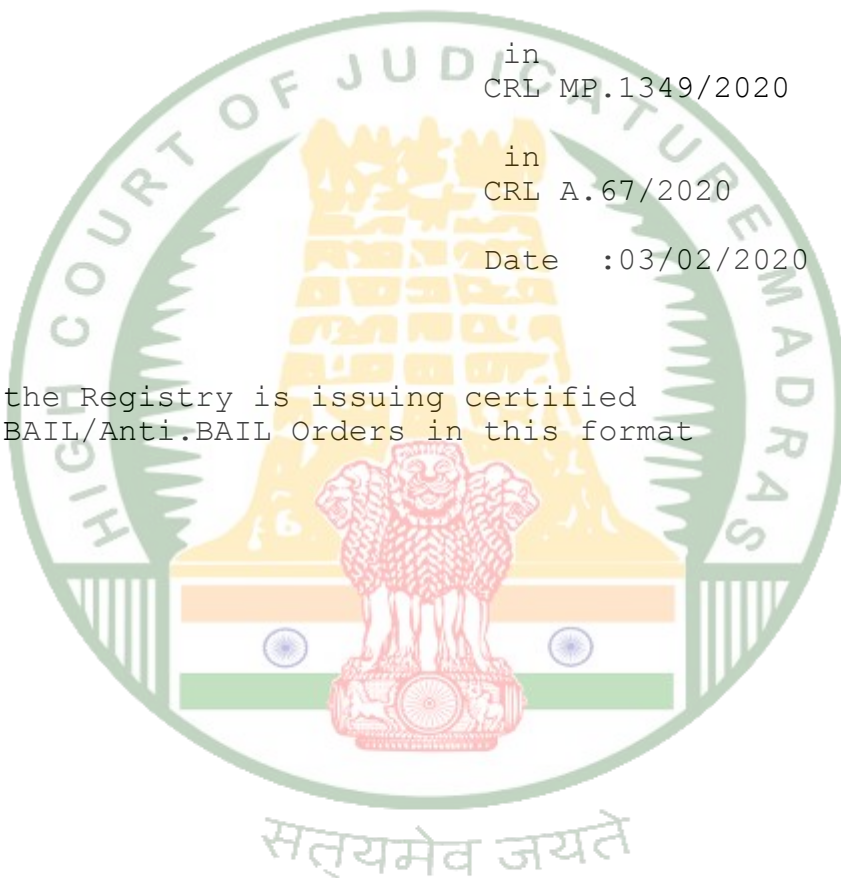
Order

in
CRL MP.1349/2020

in
CRL A.67/2020

Date :03/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 03/02/2020



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